

ANNALS OF IOWA.

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3D SERIES

WILLIAM B. ALLISON.¹

By HENRY CABOT LODGE.²

Advancing years impose their penalties upon every man. In their silent action there is a terrible certainty and an unsparing equality of distribution, but among all their warnings, among all the milestones which they place to mark the passage of time, none is more mournful than the task of reading the letters and biographies of those whom we have known and loved, or the sad duty which compels us to give utterance to our words of praise and affection for the friends, the companions, the long-trusted leaders who have gone. Yet all these trials must be faced as we look into the eyes of Fate or listen to its knocking at the door. All that we can do is to meet them seriously and solemnly, yet in the right spirit, without empty and helpless lamentations.

I recall with great vividness my first meeting with Senator Allison at dinner in 1874, at the house of Mr. Samuel Hooper, a distinguished Member of Congress representing one of the Boston districts. The party was a small one, consisting only of our host, his nephew, myself, Senator Conkling, and Senator Allison. I was a boy just out of college and Mr. Allison appeared to me a person of great age and dignity. As a matter of fact, he was only forty-five, which seems to me now quite young, and he had but just begun that career in the Senate which was destined to prove so long and so memorable. Mr. Hooper's nephew, a classmate and lifelong friend of

¹Revised and adapted from a memorial address in the United States Senate, February 6, 1909.

²Henry Cabot Lodge was born in Boston, Massachusetts, May 12, 1850. He was graduated from Harvard College in 1871 and from the Law School of Harvard University in 1875. He was editor of the *North American Review* from 1873 to 1876 and of the *International Review* from 1879 to 1881. He has served in the Massachusetts Legislature, as delegate to the Republican National Conventions of 1880 and 1884, as member of the National House of Representatives and as United States Senator, since 1893.

mine, and I sat by and listened to all that was said that evening with deep and silent interest. The talk was very good and well worth listening to. To those who remember the men it is needless to say that Mr. Conkling took the unquestioned lead in the conversation, and that when he criticised, as he frequently did, he spared no one.

My remembrance of Mr. Conkling and of the character of his talk is very sharp and clear-cut, and that is all. My recollection of Senator Allison is equally distinct, but it brings with it a gentle memory of the kindness of a distinguished and much older man to a young fellow whom he never expected to see again, of a sense of humor as kindly as it was keen, of a good nature which took even Mr. Conkling's gibes with a quiet dignity and easy patience, very pleasant to witness and very pleasant still to recall.

The qualities which I then saw, as I thought, in Mr. Allison were really among his most conspicuous attributes. He did not wear his heart upon his sleeve, but his gentleness, his humor, his innate kindliness were as apparent to the casual and humble stranger as to those who knew him best. He did not cover them with austerity, solemnity, or pomposity and reserve them only for the benefit of the leading actors upon the great stage where his life was passed, but he gave them freely to all the world, and made the world thereby, so far as his influence went, a happier place to live in.

After I went to Washington it was my good fortune to know Senator Allison better while I was still in the House, and for fifteen years in the Senate I saw him constantly and intimately every day of each session. The nearer view changed in no respect, although it enhanced, what my first brief glance of him had revealed. But years of a common service disclosed to me what I had only dimly perceived before, his qualities as a public man and as a statesman, for he was universally admitted to deserve the latter title long before the fulfillment of the last hard condition which turns a successful politician into a statesman. It is of Mr. Allison in this capacity that I desire particularly to speak. His life will be told by his biographers in the time to come with adequate

materials and in the large historical proportions which it so well deserves. My purpose is a very modest one, merely to attempt to give my impression of Mr. Allison as a statesman and of the type of public man which he presented in his long, useful, and honorable service of more than forty years. That service was crowded with incessant work, for no more industrious, no more conscientious man ever lived. The hardest suffering of his last year was the sense that he could not do all the work which pertained to his high position as he had been wont to do it.

The great measures to which, as the years passed by, his name was attached would be an imposing list; and if we were to add to this those in which he had a large, shaping, and even controlling part, it would fill pages. His monument as a law-maker, a great function when properly fulfilled, is to be found in the statutes and the history of the United States during the last forty years. But his most valuable work, if we would look at it as a whole, as his personal contribution to the welfare of his fellow-beings, is not conspicuous in the printed pages of books of law or books of history, now that he is dead, any more than it was in the mouths of men while he was living.

To value him rightly we must understand the Senate and its daily work. The brilliant oration, the violent diatribe, the coarse invective, the vulgar abuse are spread in large letters and in long columns before the public eye; and except in the case of a great speech, contributing to the settlement of a great question, they fade as quickly as the tints of the rainbow on the breaking wave and are rarely able to find, in the days when the account is made up, even the slight remembrance of a historian's footnote. No mistake is commoner than that which confuses notoriety with fame. Fame may be the last infirmity of noble mind, but it is built upon the rocks of deeds done, while notoriety is always fleeting and generally vulgar. Mr. Allison's fame rests securely not only upon the great historic measures in which he had a leading share, but upon his steady work done day by day, quietly, diligently, thoroughly, without the glare of headlines, for the

most part unobserved and largely unappreciated by the American people, who profited so greatly by its results. Senator Hale from Maine had a favorite phrase of description in regard to some of those who served in the Senate. When he would praise highly, he said such a man was "a good Senator." This has nothing to do with character or disposition, or with virtue, public or private, but means that a Senator does the work of the Senate well—the work of carrying on the Government, of advancing good measures and arresting bad ones, the obscure work, the essential work, in which there is much labor and little glory and which demands constant attendance and unflagging attention. Tried by this exacting test, who would hesitate to say that for many years Mr. Allison was our best Senator?

He was a party leader, a wise adviser and framer of policies, but he was also, and above all, one of the men who carry on the Government. They are not many at any time and they are absolutely essential at all times. In the midst of political strife, in the tumult which attends the rise and fall of parties, to use the English phrase, "The King's Government must be carried on." Whatever storm may rage, however bitter and loud may be the strife of contending factions, the public debts must be paid, national credit maintained, the army and navy kept on a proper footing, the mails must be delivered, and the revenue collected. No matter what happens, some one must be at work "*ohne hast, ohne rast*" to see that these things are done in due season.

Macaulay has said that Attila did not conduct his campaigns on exchequer bills, but we do; and what is more important, we maintain the orderly movement of our Government in that way from day to day. It is a heavy burden and the country owes much to those who bear it. This was Mr. Allison's task during more than the lifetime of a generation. Beyond any one in our time, perhaps beyond any one in our history, did he bear this great responsibility, and he never failed in his duty. For thirty-six years a member of the Committee on Appropriations, for twenty-five years its chairman, he became a sort of permanent chancellor of the exchequer. In

the long list of eminent men who have filled that great office in England there is not one who has surpassed him in knowledge, in the dexterity and skill with which he drafted laws and reconciled conflicting views, in financial ability or in the strength of capacity with which he gauged the sources of revenue and adjusted expenditures to income. No one ever applied to him the cheap title of "watchdog of the Treasury," whose glory comes merely from barking so as to split the ears of the groundlings and whose niggard and unenlightened resistance to every expenditure, no matter how meritorious, usually causes enormous and increased outlay in the end. Mr. Allison was too great as well as too experienced a man to think parsimony was statesmanship, and not to know that a wise liberality was as a rule the truest economy of the public money.

Very few persons realize what labor, what knowledge, what experience he brought to his work. We saw a great bill reported, we watched him handle it with a tact and skill which I have never seen equaled, we noted that he was familiar with every item and could answer every question, and we were satisfied with the result and did not pause to consider what it all meant. To achieve this result implied a minute knowledge of every branch of the Government and every detail of expenditure which had cost days and nights of labor and years of experience. Scrupulous honesty, of course, was his, but that would have gone but a short distance without the trained intelligence, the unswerving diligence, the disciplined mind which controlled the disposition of the millions upon millions that passed unscathed through his strong, clean hands.

The standing joke about his caution and his avoidance of unqualified statement, which no one enjoyed more than he, grew out of certain temperamental attributes. But it is well to remember that, however guarded he was in speech, he never failed to vote, which is the real and final index of political courage and of constancy of opinion and conviction. He may have put clauses of limitation into what he said, but he never shrank from, never evaded, a vote.

Presidents and cabinets, Speakers and House chairmen came and went, but he remained at his post until he was regarded in the field of finance and appropriation almost, as was said of Webster, like an institution of the country. Six times did the legislature of Iowa elect him to the Senate. Pride in the State, pride in him, and personal affection counted for much in their action; but I can not but think that they realized also their responsibility to the country which prized so highly the services of their Senator. It is the fashion, just now, to decry legislatures, but we shall wait long before we find any form of election which will represent as truly the real will, not only of the people of a State, but of the people of all the States, as did the legislature of Iowa during those thirty-six years. It will be a sorry day for Government and people alike when we lose that permanence and continuity, that directing and guiding force, which such careers and such service as Mr. Allison's have given to the Senate.

Where, then, shall we rank him? To put him out of or above the class to which he rightfully belongs would not be the part of love and affection, but of vain eulogy, which perishes with the breath which utters it. He did not stand in the class with Lincoln, savior of the state, greatest, as an English historian has said, of all the figures of the nineteenth century. He did not reach that lonely height. Nor was he one of the class of men like Bismarck and Cavour, builders of nations, relentless wielders of armies, masters of all the subtle arts of diplomacy. Mr. Allison belongs to that class of statesmen of which the history of the English-speaking race furnishes, happily, many examples. They are the men who carry on the Government and who have made possible the practical success of free representative institutions. Wise, farseeing, prudent, devoted to their country, and abounding in good sense, they command by their absolute honesty and capacity the entire confidence of senates and parliaments. Among the chief statesmen of this class Mr. Allison holds his high place.

If Mr. Allison had done the work and held the place in England that he did and held in America, his memoirs would appear in fit and stately volumes like those which recount

the life of the late Lord Granville, whom Mr. Allison resembled in service and character, although the fields of their activity were different. Had he been a great English statesman, as he was a great American statesman, his statue would have its place in the Capitol, the scene of his labors, as at Westminster we find the statues of English prime ministers and parliamentary leaders, many of whom Mr. Allison surpassed in all that goes to make a statesman. I trust that this may yet be done.

I say all this of Mr. Allison, not in the beaten way of eulogy or tribute, but because I wish, by historical standards and, so far as possible, with the coolness of history, to vindicate the place of a man who was a great public servant, a statesman as eminent as he was modest, and to whom this country owes a large debt, not merely for his lifelong labors, but for the example he set to us all and the dignity he gave to the Government of the United States.

And yet, when everything has been said, strive as hard as we may to govern ourselves by the tests of history and to award to Mr. Allison the place which was rightfully his, and which all men should acknowledge, at the end it is the man of whom we think and not the Senator. His death meant a personal loss to all his friends. His abilities, his honesty, his unstinted devotion to the country, his fine character, his keen sense of humor, we do well to tell them over. He fully deserves it all. But what history or posterity can not feel or know is the one thing we feel most and know best. He inspired love and affection. He was beloved by all who knew him. Great powers were his, but the greatest of all his attributes was that kind, warm heart, that goodness to others which cast a spell over everyone who came within his influence.

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man."

EARLY COMMERCIAL TRAVELLING IN IOWA.

BY FRANK M. MILLS.

In 1868, while employed on the old *Iowa State Register*, I suggested the formation of the Old Settlers Association, and called a meeting at the Des Moines House for the purpose of organization. It so happened that I could not be present. There were a goodly number of first settlers there, so they constituted themselves charter members, and limited the first-class members to those who came prior to January 1, 1856. This cut out many prominent citizens who came in 1856. (After '56 hard times came on and there was not much more immigration here until after the war.) I was out by about ten days. Those who had been here fifteen years were allowed afterward to join.

When I arrived first in Des Moines it was a village of less than two thousand people, but about the liveliest village you ever saw. I came early in January of 1856 on a voyage of discovery, crossed the Mississippi on the ice at Burlington, and took the stage coach there for Fort Des Moines in about the coldest of weather.

When the coach reached Oskaloosa, I was met by an old Indiana friend or two, the versatile "Linkensale"¹ of later newspaper fame, and Ed Alvord, scion of the head of the Western Stage Company, who insisted I should abandon my visit to Raccoon Forks and settle in Oskaloosa, as the Fort was a dirty, sickly hole which never would be more than a struggling hamlet. I told them I would see Des Moines first, but that if I did not like it, I would come back to Oskaloosa.

I decided the future capital was good enough for me, and went back to Indiana to arrange for moving out. In the early spring I came by boat from Cincinnati, arriving at

¹Lurton Dunham Ingersoll.

Keokuk, Iowa's greatest city at that time, on April 4, 1857, my twenty-fifth birthday. There with my wife and ten-weeks' old baby, I took the coach for Des Moines where we arrived after six days and nights constant going, as the frost was just coming out and the roads breaking up. There were twenty in and on our coach. Some of us walked and carried a rail part of the time. In the early morning of the tenth we arrived at Uncle Tom Mitchell's stage station² and waited for daylight and breakfast. There were ten coach loads of us for the same purpose, meeting from Burlington, Iowa City and Des Moines.³

When we got to the village the river was up and the float bridge swung round and no crossing. Fort Des Moines was a very lively point just then. The Capital had just been voted from Iowa City. The commissioners were in town and had located the site and there was great rejoicing on the East Side and much indignation on the West Side of the river. Land seekers, town-lot speculators and settlers rushed to the new seat of government. Building was rampant, shanties were going up by the hundred, and the noise of the hammer and the saw waked you in the early morning and kept you awake until midnight.

I came here intending to open up a shoe store, but it was impossible to find a vacant room, so John Daugherty, a brick-maker, who came when I did, and I joined forces and started a brick yard. S. A. Robertson arrived the next day after I did and was at once offered the superintendency of the erection of the Savery (now Kirkwood House). Conrad Youngerman had arrived shortly before with but a dollar and a half in his pocket, as he told me, and had started a brick business. Mr. Robertson also started one and we three good friends, although in a sense competitors, made our impress on the season's building. I furnished the brick for the Sherman block on Court avenue, for the big Methodist church

²Now Mitchellville, Polk County.—Editor.

³The travel from Keokuk on the Old Dragoon Trail was joined usually by the Burlington travel at Agency City, Wapello County, but often at Brattain's Grove, near Utica, Van Buren County, or above that point. The travel from Davenport, and Iowa City, Dubuque, Marion and Marengo joined the Old Dragoon trail usually near Mitchellville, Polk County.—Editor.

where the Iowa Loan & Trust Building now stands, for the three-story Jim Campbell building for steamboat supplies on the point, for the Jones Hotel on the East Side, and many other buildings, beside piecing out the Savery House, the Exchange Block, and other buildings, mainly supplied by my competitors. Near the close of the season Mr. Daugherty said the prudent thing was to stop as the weather might block us. However, I was ever optimistic so bought his interest in the plant and hired him to burn another kiln, which proved a success. I sold the kiln to A. Newton to build his fine home on Fifth street, and cleaned up \$800 profit, which, with what I brought with me and my share of the summer's business, gave me a capital of \$3,500 to start my shoe business. I also sold eighty acres of land adjoining Isaac Cooper's farm on Four Mile Creek, which I had bought a year or two before at five dollars per acre, for \$800, with which I bought a lot next the Baker Drug Store on Court avenue.⁴

I graduated in the brick business in the fall, but Robertson and Youngerman continued, and each of them accumulated in it at least a half million dollars, and were to the last among the city's most prominent and progressive citizens.

To secure a location, I was compelled to buy a building on Court avenue for \$1,200 cash. Not to encroach on my store capital, I borrowed of Col. J. N. Dewey the necessary sum for six months at forty per cent interest per annum, the standard rate then, which I was able to pay at maturity. Col. Dewey always was a good friend, but seemed to consider himself thereafter a sort of benefactor and sponsor for my success.

At the same time I started my shoe store my brother Webb⁵ and my older brother J. W. and myself each put in two hundred dollars to start a small job printing office, that Webb might have something to make a living at until he got ready to go into the practice of law, he having already been admitted to the bar. When I opened my shoe store in the fall

⁴The Baker Drug Store was on the southeast corner of Third Street and Court Avenue.

⁵Noah W. Mills enlisted May 4, 1861. Appointed Second Lieutenant. Promoted Captain June 1, 1861. Wounded in battle of Corinth, October 4, 1862, "while fighting with the most conspicuous courage and coolness." Was promoted Colonel October 8, 1862, and died of wounds October 12, 1862.

there was but one other shoe store, that of Stacy Johns. B. H. Corning and Jim Kemps made boots and shoes but kept no general stock. Charley Kahler was an apprentice to Corning.

The next spring there were seven shoe stores. In the meantime, the job printing was successful, and having a good opportunity, I sold my shoe business and building and invested the proceeds in the printing concern, and Webb and I undertook to boost the printing and publishing business to the limit of our capacity. Soon we had Tac Hussey, who had come a few months before I did, as our chief artist. We started a blank book and stationery and county supply department, and by dint of hard work and persistent canvassing we acquired an extensive clientage.

When the Civil war broke out, Webb, having been Captain of the Wide Awakes in the Lincoln campaign and an officer in the local military company, insisted that I should waive my right as elder and allow him to go into the field, and that I should remain and look out for the business and our little families. We owed a large sum of money, had much money coming to us, and a considerable stock of merchandise on hand. Things looked pretty blue for the business. In addition to this every man in our employ able to bear arms enlisted. Business was poor. I spent a large part of my time the rest of 1861 in raising the Tenth Iowa Regiment, which I recruited and swore into service and transferred to the State government. I also raised afterward some two hundred recruits for the Second and Tenth regiments.

The loss of my brother at the battle of Corinth left me with the entire responsibility of the business and our families. I had to hustle. I boomed the business to the extent of my capacity, and incidentally, I boomed and boosted for Des Moines to such an extent that for years our business became known far beyond the boundaries of the State, reaching into Missouri and Minnesota, and covering Kansas, Nebraska, the Dakotas, Colorado, Wyoming and other territories, even bearding the lion in his den and making a good customer of Brigham Young himself, selling him and his Zion Co-Operative Mercantile Institution several thousand dollars' worth

of our products in the course of a few years. The first engraving of his portrait was done by us to go on their certificate of stock.

Ours was about the only concern which caused the outside world to pay tribute to Des Moines. In the early days before we had railways, every stage coach which left Des Moines was loaded in its boot with our shipments of orders filled. The United States Express Company reported by Billy Quick that we were their largest customers in the State.

In the meantime our business had grown so that larger quarters were necessary, so we built on Fourth street the building that is the present Munger European Hotel. We added lithographing, wood engraving, map engraving, coloring and mounting, law book and other publishing, stereotyping and electrotyping, we did the State binding and printing for years, published the *Register*, the *Homestead*, and sundry weekly and monthly publications. All of this required some two hundred hands and much money. We found an able and willing helper in Des Moines' first great banker, Frank Allen. We owed him at one time through his three banks here and his two outside ones, over \$150,000. Bad banking it would be called now, but we were depositing much of the time near a thousand dollars a day. He had no other security than his faith in us, yet when he afterwards failed and final settlement was made there was a balance in our favor.

To keep up the volume of business persistent effort was necessary. We kept out from four to a dozen travelers. In the earlier days I went out a good deal myself, in all sorts of weather and conditions that now would not be undergone by any rash traveler. Orders were for much smaller amounts than now, except for county supply for their first outfit. We had aggressive competition for this, and we kept our men on the frontier. We invaded Denver, and our traveler Charley Cranston took an order from a Denver bookseller for several hundred volumes of octavo sheep-bound standard poems. This necessitated a hurried trip to Chicago, where I ransacked wholesale and retail book houses, and then could not half fill

the order. The poets were wanted by the miners and prospectors for company in their lonely mining shacks.

I made many trips over the State and elsewhere, some days driving a whole day for forty miles between houses, and now I frequently find myself wondering how I happened to escape dire disaster in storms encountered. I had often to stop for the night at homesteaders' cabins where the food was only corn bread and sorghum molasses, with parched corn coffee or hickory bark tea. I noticed one thing which seemed rather peculiar; where there was the least to eat there were more fervent thanks for the bounties spread before us. Often too the meal did not seem worth that price.

I went once with a two-horse covered sleigh with a load of county supplies. This trip lasted two whole months, all the time on runners. I went through all the southern part of Iowa, crossing the Missouri River on the ice into Nebraska City, driving on the river and crossing back and forth on the ice all the way up to Sioux City.

Returning, I passed through Shelby county. There was only one house at the county seat, Harlan. I went on to the home of County Judge Tarkington, three miles farther. The Judge was a superannuated Methodist preacher, about seventy-five years old. I was given a bed and being tired slept the sleep of the righteous. The next morning before breakfast, the Judge, taking up the big family bible, said: "Mr. Mills, I am almost blind, won't you please read for me?" I assented, of course, * * * Then we went down on our marrowbones and for awhile silence prevailed. I looked around, and saw that he and all in the house were looking right at me. I suppose they thought I was wrestling with the spirit and having a hard time. I nodded at the Judge who was still looking over his spectacles at me, but he was too blind to see, and as he was deaf as well as blind, I called out at the top of my voice, "Go ahead, Judge," and he did. I presume he had not had an audience from the outside world for some time and he made a wonderful effort. He took me right to headquarters, prayed for me fervently, and asked that I might be spared long in the good work I was doing, and

that I might go on my way securely and safely over the slippery roads, that there might be no accident to myself or team, and that I might have a successful trip, to which I silently added a fervent "Amen." After breakfast, the old gentleman and I talked business, which resulted in an order for something over two thousand dollars for county supplies. It was the quickest answer to prayer in my experience. Only a night or two before, I had accompanied Judge Whiting of Monona County to a dance at Onawa City given to raise money to fence in the graveyard. It was a festive time for a grave purpose, and I danced my best.

No one who did not go about in the early days can have an adequate idea of the discomforts and hardships. The houses were either cabins or shacks built of the native cottonwood lumber, in which the festive bedbug was incubated, and often sleep was impossible in the summer time. Houses were often, in fact generally in the country, of but one room, and when strangers or company came, three or four had to occupy one bed. The feeling of hospitality which was prevalent then did not allow the settler to refuse food and lodging to any one who came along. The houses were too far apart to justify sending the wayfarer to the next house.

I slept more than once in a one-room house where there were fifteen or twenty of us and only two beds. One night when I was on my way to see Judge Morris, who was then county judge of Carroll County, night came on when I was still miles away from my destination. I came to a little cabin where there were four or five rough-looking men about the shed stable, and was allowed to stop for the night. I had over six hundred dollars with me which I had collected, and I was a little nervous. Not long after supper, the old granddad, a veteran of seventy-five or eighty years, got down on his knees, said his "Now I lay me," and rolled to the back of the bed which I was also to occupy. When he got on his knees, my fears vanished.

The man of the house with his wife and four of the children at the foot, took the only other bedstead. A shake-down was made on the floor where four of the men were accommodated.

Boosting in the fifties was altogether another thing from that of the present day. Now it is principally done in the newspapers or speeches, in town meetings and commercial clubs, or somebody goes out with a subscription list. Then we just went out and did things ourselves. It was hard, every-day, constant work. It was work, not words alone. I will present an instance:

About 1868 or 1869 there was a great exodus from the states east of us of land seekers passing through Iowa for homesteads, with "Kansas (or Nebraska) or bust," painted on many of the wagon covers. I thought it a shame they should pass through fair Iowa to so much worse things beyond. We sent one of our *Iowa State Register* force out to the Sioux City land office to make a map of all the vacant land of that land district, and to give a full write-up of every county in the northwest. We published the map and the county write-ups in the *Register*, daily and weekly, and in a pamphlet under the title of "Free Homes in Iowa" and scattered them broadcast. We turned the tide of immigration and before the season was over nearly every quarter section in northwestern Iowa was covered with homesteaders living in cabins or shacks, in tents or wagons. We got the credit of settling up that section, but two or three seasons later when they experienced the great grasshopper raid the settlers anathematized us as much as they had before praised us. Those who could get away did so, but many could not go, and stuck it out, and were well rewarded for remaining. You cannot in all that country now buy a farm for less than from \$150 to \$250 per acre.

When I came to Des Moines the real pioneers were still here, Judge Casady, David Bush, Tom McMullin, Ed Clapp, Wiley Burton, the Lynns, Busicks, the Griffiths, the Doctors Grimmel, and that quartette of Christian pioneer evangelists, Ezra Rathbun, John A. Nash, Thompson Bird and Dr. Peet, followed soon after by Father Brazil and Dr. Frisbie, the latter still with us. This city owes more for the morality and solid character of its people to these six sainted men than to almost every other interest combined.

"OUR VANISHING WILD LIFE," BY DR. WILLIAM
TEMPLE HORNADAY.

BY HON. JOHN F. LACEY.

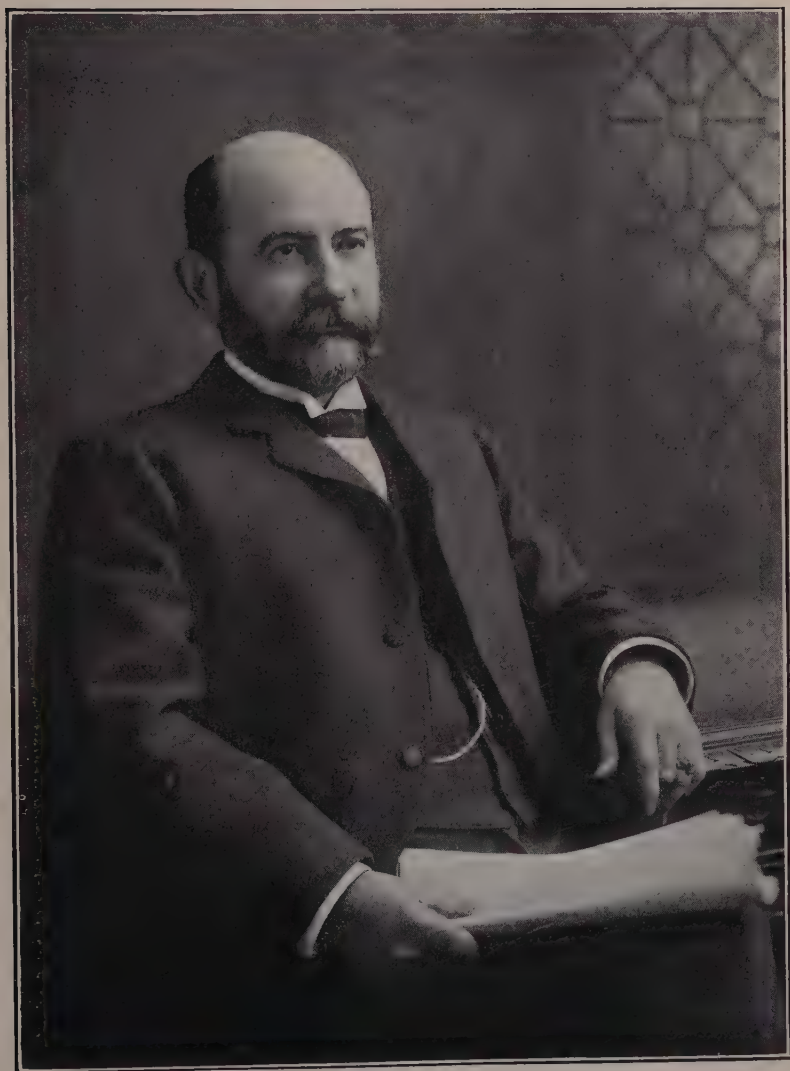
Dr. Hornaday has recently published a very important work on "Our Vanishing Wild Life."

Dr. Hornaday, though born in Indiana, spent his early life in Iowa and is fully identified with the history of his adopted State. He is today one of the world's foremost naturalists, and his latest work comes with authority from a man of his research and experience.

In 1886 he conducted an expedition to investigate the extermination of the buffalo, and his report of that journey is one of the saddest chapters in the history of the wild life of the world. The buffalo was the greatest of the surviving mammals of the new world and existed in such numbers that had they been properly conserved upon the plains there would have been no "high cost of meat" problem for the present generation. In ages they had become adapted to the surroundings of the arid plains. Had the Government asserted title to these herds of millions and regulated their use and slaughter they would have remained a great and permanent asset in the nation's wealth. The complete extinction of the species was narrowly averted and, perhaps, there are today 2,500 to 3,000 successors to those mighty herds. They are scattered in small herds in different parts of the country, under suitable protection, and the complete extinction of the species has been prevented.

Through the awakening of the public conscience by the published report of Dr. Hornaday much of the legislation in behalf of wild life has been accomplished.

It was the good fortune of the writer to have been enabled to secure the enactment of the first national law to protect the remaining wild life in the United States, under which a large



W. J. Hornaday.

number of preserves and breeding grounds for birds and mammals have been set apart upon the public domain. There are now sixty-one of these bird reservations under the "Lacey Act" and the last addition to the list is the entire chain of the Aleutian Islands set aside as bird refuges, reindeer breeding grounds and fisheries.

In all this good work Dr. Hornaday's influence has been most effectual. He is now director of the New York Zoological Park, where his intimate knowledge of the habits and needs of the animals and birds under his charge has enabled him to make his prisoners feel at home instead of chafing in their confinement. One of the rarest of the choice exhibits of that wonderful collection is a small herd of musk oxen which may be seen grazing contentedly in the park.

Dr. Hornaday has done much original constructive work in the way of wild life protection. To do things it is highly essential to know things, and he is a most thorough and painstaking naturalist. No man can make a great success in any undertaking unless he is in love with his work.

His greatest work, no doubt, is the designing and development of the Zoological Park among the rocks of the Bronx region. It is just to the promoters of this great institution to quote what Dr. Hornaday himself says of them:

The original impulse and effort for the creation of the New York Zoological Society came from Madison Grant, then a sportsman and student of nature and by profession a lawyer; and very early in its career the new organization secured the active support of Prof. Henry Fairfield Osborn. It is impossible to overstate the influence of those two men on the Society's undertaking, and their devotion to the task, year in and year out. Without them, New York would have at this time no Zoological Park!

On the other hand the secretary of the New York Zoological Society, Mr. Madison Grant, thoroughly appreciates the worth and work of the director. Mr. Grant says in one of the bulletins of the park:

A portion of this second year of the Society's existence had been devoted by Mr. Hornaday to a thorough study of the Zoological Gardens of Europe, the results of which were embodied in

a report to the committee. Mr. Hornaday also prepared the general ground plan of the Zoological Park, out of which has developed, during the last ten years, the existing scheme of the Park. Modifications have been made in small matters, but on the whole the substantial manner in which Mr. Hornaday's original design has been found to meet actual conditions has proved his foresight in its preparation.

A brief synopsis of the life, travels and literary work of Dr. Hornaday is as follows:

Born Plainfield, Indiana, December 1, 1854, son of William and Martha (Varner) Hornaday; educated Oskaloosa College, 1871 and 1872; Iowa State College, class of '76; Ward's Natural Science Establishment, Rochester, New York; Sc. D., University of Pittsburg, 1906; married at Battle Creek, Michigan, September 11, 1879, to Josephine E. Chamberlain, and has one daughter, Mrs. Helen Hornaday Fielding. Travels (zoological): Cuba and Florida, 1875; South America, West Indies, 1876; Egypt, India, 1876-77; Ceylon, Malay Peninsula, Borneo, 1878; China and Japan, 1879; Smithsonian Expedition for Buffalo, Montana, 1886; hunt in Wyoming, 1889; exploration in Canadian Rockies, 1905; exploration in Arizona and Mexico, 1907. Director New York Zoological Park since 1896. Author: "Two Years in the Jungle," 1885; "American Natural History," 1904; "Taxidermy and Zoological Collecting," 1894; "Camp-Fires in the Canadian Rockies," 1906; "Camp-Fires on Desert and Lava," 1908; "Our Vanishing Wild Life," 1913 (all Scribners); also, "The Man Who Became a Savage," 1895. Independent in politics. Protestant. Fellow New York Academy Sciences and New York Zoological Society; honorary member Philadelphia Zoological Society, Shikar Club, London, and Society for the Preservation of the Fauna of the British Empire; corresponding member Zoological Society of London; ex-president Camp-Fire Club and American Bison Society. Recreation: Big-game hunting. Address: New York Zoological Park, 183d Street and Southern Boulevard, New York City.

Among the practical results of his work are:

The Montana National Bison Herd is an accomplished fact. Fifty-one fine animals now occupy in perpetuity a magnificent

range of twenty-eight square miles, all owned by the United States Government. This was his original proposition.

The Wichita National Bison Herd is also an accomplished fact. Twenty-three fine animals occupy a range of fourteen square miles, all owned by the Government. This, too, was his original proposition.

Goat Mountain Park in British Columbia is established. A splendid sanctuary of 450 square miles, stocked with mountain goats, sheep, elk, deer and bear, exists on the Elk and Bull Rivers, East Kootenay, as a game preserve. This was Dr. Hornaday's original suggestion.

A New York Bison Herd would today be in existence but for the veto of Gov. Charles E. Hughes.

A Fur-Seal Salvage Law, the Fur-Seal Treaty, and five-year close season law are on the statute books, all as he demanded in 1909.

The Snow Creek Game Preserve, Montana, is an accomplished fact. This was his original idea.

The "Bayne Law," in New York, prohibiting sale of all native wild game in that State, was passed as his original suggestion. Massachusetts has copied this same law, and California is trying to do so.

Among the subjects to which he has devoted recent conservation work are: prevention of marketing wild game; prevention of spring and late winter shooting; prohibition of the killing of insectivorous and song birds for food or millinery purposes; the increase of the number of bird and game preserves; the prohibition of the use of extra deadly automatic and pump guns in hunting, giving the wild creatures some chance for their lives; the securing of perpetual closed seasons for all such species of wild life as are threatened with total extinction. This is a goodly program.

The statement is made in his recent book, "Our Vanishing Wild Life," that of all the countless millions of wild pigeons that once clouded our skies and thronged our forests there is today only one living specimen, and that poor creature is in captivity in Milwaukee. Only one left to emphasize the extermination of this beautiful American bird!

Dr. Hornaday's book ought to be in all the public school libraries. The little boys and girls should be taught what has been lost to them, so that they may treasure the precious remains of the wealth of the past. They should "hear the call of the wild remnant."

This book is both timely and convincing. No one can read it without regret for our national recklessness and disregard of our blessings. It is a heart-breaking story.

It is hard to make people realize that the invention of deadly weapons imposes self-restraint upon the people who possess such almost limitless powers of destruction. The rifle in the hand of the professional killer of game, together with the offer of fifty cents for each skin, covered our western plains with the dead carcasses of buffalo by thousands.

Cars were arranged with many decks to hold the live pigeons and the busy nets swept them from the earth for the markets in a few years.

The hunter puts his dogs in the baggage car, takes a Pullman and in a night's run has gone five hundred miles into the hunting regions where, with the finest and deadliest of weapons, he works great havoc among the few remaining birds. Soon they disappear and the hunter buys his ticket for more distant grounds. Such limitless power to kill makes rigorous legal restraint absolutely necessary. The flying machine and speedy motorboat will further add to man's power to kill.

Few men can withhold when the opportunity comes to slay. Not only must the laws be rigorous, but they must be enforced without fear or favor.

Dr. Hornaday has been a mighty hunter himself and realizes the enjoyment the sportsman feels in this great pastime. Fortunately such men as George Shiras 3d have been teaching a new method of hunting with the camera. The camera captures but does not kill, and all the keen delight of the hunter is enjoyed when searching for the wild creatures in their natural resorts.

Mr. Shiras by flashlight photographed an albino porcupine one season and placed the picture in his album, instead of the stuffed skin of the dead animal upon his study walls or in a museum. The next year he captured the same albino again with his camera and again left the harmless creature to enjoy life in its native woods. "Any fool can kill a bird; but it takes a genius to photograph one and get a good photograph," says Dr. Hornaday.

I remember Dr. Hornaday when as a boy he came from the farm in Marion county to study at old Oskaloosa College. His subsequent career has gratified the friends of his Iowa boyhood, who prophesied a bright future. His present book is not merely the work of the few months spent in putting his thoughts upon paper; it is the record and fruits of a life work in studying God's wild creatures in their native haunts. It is a note of warning and alarm. The nation should heed it.

God in His slow processes spent millions of years creating the passenger pigeon and the bison. A single generation has seen them swept away. The high cultivation of a large part of our country makes it impossible for much of the old wild life to remain. But the birds can still be saved. They are rapid breeders and but give them a chance and they will remain with us.

Since this book came from the press the McLean Law protecting migratory birds has been enacted by Congress. Many states had forbidden spring shooting. Many states had vainly protected the robin and other of man's gentlest and best friends. These birds spent the spring and summer in our dooryards and nested in our shade trees only to go south there to be treated as "game birds" and to be slaughtered by the thousands. The pest of the boll weevil awakened the consciences of many of the cotton growing states, leading to local legislation for the protection of the birds which destroyed their enemies of the cotton fields.

A REPUBLIC WITHIN THE CONFEDERACY AND OTHER RECOLLECTIONS OF 1864.

BY W. A. DUCKWORTH.

In January, 1864, at Pulaski, Tennessee, I was appointed a Lieutenant in the 110th Colored Infantry. I had been serving as Corporal of Company G, 2d Iowa Veteran Infantry. After guarding a tunnel and trestle work on the railway near Pulaski, I was assigned, with six companies of the regiment, to garrison the town and district of Athens, Alabama. Col. Wallace Campbell of the 110th, was in command of the post and district.

My own company was detailed as provost guard, and was quartered in a building on the northwest corner of the public square in Athens. I was very pleasantly situated during the spring and summer, and my duties, while constant, were not arduous. I boarded with a family by the name of Tanner, consisting of Mr. and Mrs. Tanner and three grown daughters. One of the daughters was a widow, her husband having been killed about the time of the battle of Shiloh, in a cavalry skirmish near their home. We patrolled the town and I scouted a good deal with a detachment of East Tennessee Cavalry. Quite a number of prisoners were picked up by us on these expeditions, and we captured a quantity of medicine that was being smuggled through the lines from Nashville, for the use of the Confederate army in the field. I made one capture, near the Tennessee river, between Huntsville and Decatur, of a lady, with a fine horse and buggy. This lady had in her possession about three thousand dollars' worth of quinine and morphine.

We also made a survey of the country for military purposes, locating all roads, bridges, streams, and tactical points of defense which might be made available in the future operations of the army.

Civil affairs were administered through the provost marshal's office and as I acted in the capacity of provost marshal, it fell to me a good part of the time to preside over civil suits. I heard many complaints, and adjusted numerous differences. In connection with my duties, I issued marriage licenses, rented houses, collected license taxes from all persons in mercantile business of whatsoever sort, issued provisions to refugees and other indigent persons and had supervision over the county jail. This was well filled with prisoners of almost every variety and description, some of the desperate characters being kept in irons.

Some colored soldiers of Capt. Adam Poe's¹ company of the 111th regiment were employed in guarding a bridge on the outskirts of Athens, and were quartered in a block house. A party of these, while out marauding at night, murdered a farmer named Tanner and pillaged his house. Tanner's wife was bedfast at the time.

Naturally, there was much excitement in the town and county over this murder. Measures were at once taken to apprehend the criminals, and with the aid of a very efficient detective named Louis Kimmel, from St. Louis, we captured them, and had them safely in the jail at the time of our capture by General Forrest in September. Just what disposition General Forrest made of them I never knew for certain. There was a rumor when we were captured, that he had hung them summarily when the jail was taken by his forces.

There was a female seminary in Athens, under the supervision of a lady from Washington. We kept a guard stationed in the seminary grounds and often visited the institution. As a rule we timed our visits so as to be present at the morning exercises.

Under the military regulations, no person was allowed outside his or her domicile after dark without a pass or escort. There were no meetings of any kind at night, except an occa-

¹Capt. Adam Poe was a son of the Adam Poe who was at that time connected with the Methodist Book Concern, at Cincinnati, and a grandson of the Adam Poe who killed the big footed Indian, of which an account is given in the early history of Ohio and Kentucky.

sional dance which was under military supervision or surveillance.

The members of the Masonic Lodge met in the afternoon. I met with them often and was treated with great consideration. I also attended a few select parties, and at one of them, I remember, I came very near getting too much eggnog. It was made by a different formula from what I had been used to.

The most disagreeable duty which devolved upon me while at Athens, was caring for a lady prisoner who was being banished as a spy through the Confederate lines, under a flag of truce. Being a lady of respectable appearance, I did not send her to the common prison, but accepted her word of honor not to attempt to escape. I communicated by flag of truce with General Roddy of the Confederate forces across the river, concerning her reception, and in the meantime paid her board and lodging at the hotel for two days.

The only armed foes with whom we came in contact during the summer, were the forces of General Wheeler who fired on our picket lines while raiding through the country. This was about the first week in September, and the incident of course created a furor for a few days.

General Hood moved North during the latter part of September with the purpose of striking General Sherman's communications, preparatory to his campaign into Tennessee that resulted in the terrible battles of Franklin and Nashville and utterly destroyed his army. General Forrest, the fore-runner of Hood, crossed the Tennessee river at Mussel Shoals below Decatur, and on the 23d of September struck Athens in force. The pickets were driven in about noon, and there was more or less skirmishing all the afternoon.

The fort built by order of General Dodge for the defense of Athens, was about three-fourths of a mile from the public square in a westerly direction, varying a little south. As my own company was quartered on the corner of the square and was the only one in town, we had quite a spirited time during the afternoon and until about nine o'clock at night. The

Confederates burned the railway depot which was situated in the public square, and the Quartermaster's stores on the south side, before we evacuated the town.

Between eight and nine o'clock a detachment of the enemy's cavalry coming up the street from the west, stampeded a team attached to a wagon being loaded by the men of my company in front of their quarter. A little later we captured a sergeant and four privates who as a guard for the night were trying to find General Buford's headquarters, which they informed us were at a certain house in the adjoining block. We sent them under guard to the fort as prisoners.

About nine o'clock in the evening we marched out of the town to the fort, and I was detailed with sixteen picked men from my company for picket duty, on the side of the fort next the town. The fort was held until about nine o'clock the next morning. During the night, the Confederate forces had closely invested the fort and were using their artillery and sharpshooters in a lively manner.

About nine o'clock in the morning a flag of truce was sent in by the Confederates, demanding the surrender of the fort and the Federal forces. The flag was borne by Major Strange, General Forrest's Adjutant General, was received by me on my picket post and was forwarded to Colonel Campbell's headquarters in the fort. Upon receiving it Colonel Campbell ordered us all into the fort. After he had ridden out through General Forrest's lines and satisfied himself as to the numbers of the Confederates, he returned and entered into a formal surrender. Some of our colored soldiers had to be forced to give up their arms. The flag was hauled down and trailed in the dust and we were prisoners of war.

During the negotiations for our surrender, the 18th Michigan and the 102d Ohio were surrounded and captured within two miles of Athens while coming to our relief from the post at Decatur. They made a determined resistance and we could plainly hear the firing, but were powerless to join them. They were brought in and added to the crowd of prisoners. There were about three hundred of them, while the prisoners taken

in the fort numbered six hundred. General Forrest's forces numbered about seven thousand.

Several officers, not of our forces, were taken prisoner in the fort. They were on their way to the front, and were delayed at Athens on account of the railway bridges being destroyed. Two of them I remember were Col. Eli Lily of the 7th Indiana Cavalry, and Captain Callahan, of the 1st Missouri Light Artillery.

We were treated fairly well and were allowed to retain our side arms and private property, including our money. After being *herded* on the commons outside of the fort for a few hours, we were started south, and crossed the Tennessee river near Florence, Alabama.

We were marched twenty-five miles per day by our captors, and fed on cold water and ears of corn. The only way we had of preparing the corn for eating was to char the outer ends of the grains while on the cob.

At Bear Creek, however, we were stopped and furnished corn meal, flour, bacon, and what we thought was the best beef we had ever tasted. We were very hungry. After crossing Bear Creek we were put aboard the cars, passing through Iuka and Corinth. There were three trains of eight common freight and stock cars each, with a wheezy old engine for each train. The prisoners were inside of the cars and the guards on top. After passing Tupelo one of the trains was wrecked by the breaking down of a culvert which resulted in the total destruction of a car and the killing and crippling of seven guards and three prisoners.

About a half mile west of Okolona, the trains were all stopped. We disembarked and were *herded* on the prairie and allowed to cook and eat our dinners. We were guarded from the time of our capture until our arrival at Meridian, Mississippi, by the 20th Tennessee Mounted Infantry. They were old soldiers from the firing line, which was a godsend to us. We fared on the trip the same as they did. At Meridian, Home Guards took charge of us, relieving the 20th Tennessee, and we found them very exacting and hard to please.

While dinner was being prepared at Okolona I was permitted by one of the captains of our guard, who was a Mason, to go up to the city, with a Lieutenant Milligan, whom I vouched for, to get our dinners. We went without an escort. Some of the citizens gazed at us quite hard but we were not molested. We got our dinners at a private house where we furnished the "sure enough coffee", a small supply of which we had left. The lady of the house shared this with us with the greatest of pleasure, it being the first real coffee she had tasted for three years. While the prisoners at camp were getting their dinners, a man of the 18th Michigan, being given permission to go outside of the guard line to attend the call of nature, kept edging away and edging away, after being repeatedly told to come back. He finally made a break across the field to a piece of jack oak woods. He was followed and perhaps fifty shots fired at him without effect. The jack oak timber was very dense in that country and the man was comparatively safe as soon as he reached its shelter. He succeeded in making his escape.

Boarding the train again after dinner, we proceeded to Meridian, Mississippi, where we were confined in a stockade prison pen for one day and night. Then we were taken south fifteen miles on the Mobile & Ohio railway to Enterprise. This was a town of ten or twelve hundred inhabitants, on the Pascagoula river. Here we were paroled and given the limits of the town, which was about a mile by a mile and a half in area.

The Pascagoula river at Enterprise was about one hundred feet wide and very deep. The town was situated on both sides of the river. The railway depot and business section was on the east side and the resident section on the west. We prisoners were quartered in the residence portion, occupying a number of vacant houses and boarding with the citizens. There were one hundred and nineteen of us at Enterprise, consisting of the commissioned officers captured at Athens and vicinity, the non-commissioned officers and privates having been sent to Cahaba, Alabama.

We succeeded in getting board at fifty cents per day each in Confederate money. Confederate money at that time was worth from a seventh to a fourteenth of its nominal value in United States "greenbacks". That is to say, one dollar in greenbacks was worth from seven to fourteen dollars in Confederate paper money.

The Confederates furnished us with beef, bacon and flour. The balance of our provisions, chiefly sweet potatoes, we purchased in the town market. These we not only ate but also charred them in the vessel on the fire and used them as a substitute for coffee. We had plenty of money and our good clothes, and never fared better at any time during the war, which is a different story from that told by most prisoners of war.

On Sundays we attended church. One Methodist preacher, in his leading prayer, besought the Lord to rain fire and brimstone on the heads of the Yankees who were invading the Southern states. His prayer did not disturb us greatly, as we had our doubts about the Lord's willingness to perform the service asked of Him, but we did have some trouble with a fiery Irish lieutenant who resented that kind of petition to the throne of grace. We calmed the lieutenant down, however, and would not allow him to attend church any more where that preacher was in charge of the services.

We were at Enterprise on the day of the presidential election in November, 1864, but could not vote, though nearly every man was in favor of Lincoln's election.

We had a very pleasant time during our stay at Enterprise, with no particular disturbance. A few of our men did participate a little too generously in a lot of whisky of a very poor quality which they succeeded in finding; but this fortunately resulted in no detriment to the other prisoners. We visited with the citizens, but paid our visits at night. They were fearful of being denounced to the military authorities if they showed too much friendship with us.

The people of Jones county, Mississippi, which corners with Clark, the county in which Enterprise is situated, had seceded

from the Southern Confederacy and organized a government of their own, which they designated the "Republic of Jones". This small republic had a president, secretary of war, and other officials and an army which was well organized and equipped. Their leader and military commander was General Newton Knight. They had given the Confederate Government considerable trouble the year previous, and a small division of the Confederate army had been sent, under the command of General Maury, to suppress them but with only partial success. This infant republic was at war with the United States, as well as with the Confederate States, and when they learned that a lot of Federal prisoners were confined at Enterprise they organized an expedition to murder us.

Tidings of this projected action reached Enterprise and caused quite a commotion, not only in our quarters but in the town as well. We were unarmed, with the exception of a few small revolvers, and there were only fourteen Confederate soldiers in the town. It was garrisoned as a military post, under command of a major and one lieutenant, with fourteen non-commissioned officers and privates, all belonging to their invalid corps. The whole country, it is to be understood, was under military rule. So, prisoners and garrison, acting in conjunction, organized night guards, consisting of two Yankee officers and one Confederate soldier on each guard post stationed on the roads leading west and south, on the west side of the river. We also kept a detachment at the river bridge, with orders to remove the planking as soon as all the people were over, in case the town was attacked. Prisoners were located along the principal streets that led south and west, with clubs in their hands, and their orders were, to strike the plank fences and then send the signal along the streets to the Methodist Church, where a man was stationed to ring the bell the instant the signal was given.

The ringing of the bell was to be the rallying tocsin for all the people on the opposite side of the river to hasten across the bridge and proceed to the depot, where the Confederate major had two railway trains in readiness. These trains were

kept fired up day and night for several days. But for some reason the forces from the Jones County Republic failed to appear—and we were permitted to continue at Enterprise in peace.

The last week in November, we were sent through the lines to Memphis, Tennessee, by the way of Meridian, Jackson, Canton, Grenada and Hernando under the escort of a Methodist preacher who was a captain in the Confederate army and connected with the Exchange Bureau. He was very kind to us and took charge of a lot of Confederate money which we had procured, at twenty-one dollars for one of our money, from post funds which we had saved when captured. The captain delivered this money to our enlisted men who were confined at Cahaba, Alabama, along with some articles of wearing apparel which we sent them, thus proving himself a man of honor and good faith.

We were not guarded on the trip from Enterprise to our line near Memphis; we made it a point to keep with our escort. We were delayed at a number of places on account of the miserable condition of the railway lines, particularly at Canton and other towns between Jackson and Hernando. At Canton we were delayed one night and a part of a day, but had a nice dance in a vacant hotel building, participated in by natives as well as by a goodly number of our party. We secured meals at the homes of a number of the citizens who treated us kindly but had little to say.

From Grenada to Hernando there were no engines to haul the trains, which were flat cars drawn by horses, the bridges being planked for that purpose. At some of the broken bridges we walked across or were taken over in boats, changing to other cars. We met a detachment of our cavalry under a flag of truce, after passing the Confederate lines between Hernando and Memphis. The detachment was composed in part of Company G, 3d Iowa Cavalry, many members of whom are now living in Van Buren county, Iowa.

We were delivered up to the United States Army, and were once more under the protecting care of the Old Flag.

After about forty days at the Parole Camp in St. Louis and at home, we were declared exchanged by the Secretary of War, E. M. Stanton, and ordered to report to General Sherman at Savannah, Georgia. Going by way of New York we took passage to Savannah on the steamer Fulton, a large side-wheeler and reported to General Sherman just in time to go on the campaign through the Carolinas to Goldsboro, North Carolina.

DAVENPORT,

Saturday, November 9, 1839.

November 6, a pleasant day—snow disappeared from the ground before noon.—7, a hard frost last night—the first we have had during the fall. A warm and pleasant day, after sunset the west was decked in its richest hues, the few clouds that hung about the horizon were fringed with the richest gold, and the whole heavens appeared to be lit up by rays of light reflected from the unruffled bosom of the great western ocean. No pen can describe, no pencil paint the beauties of a western sunset on such an evening. 8, a beautiful morning, the air rather cold, fine day, more like April than November, not a cloud to be seen, or a breath of wind to ruffle the bosom of the majestic Mississippi. The Steamer Trubedore arrived from DuBuque yesterday, and left this day for St. Louis.—Editorial. *Davenport, Iowa Sun*, Nov. 13, 1839.

“*The Western Adventurer and Advocate of Free Discussion*” has just been established in the Far West—published simultaneously at Commerce, Illinois, and Montrose, Wisconsin, on a large and fair sheet, at \$2 per annum. We are surprised that so large and fair a paper can be afforded at that price so far West. It seems to be devoted in good part to the discussion of Slavery.—Th. Gregg, Editor. Albany, N. Y.—*The Jeffersonian*, March 3, 1838.

THE WRITINGS OF JUDGE GEORGE G. WRIGHT.

[During his later years the Honorable George G. Wright wrote much that was never published on Iowa biographical and historical subjects. He was singularly apt in the interpretation and delineation of character. His memoranda are therefore valuable contributions. A muscular difficulty combined with a rapidity of mental operation produced a handwriting as noted in its way as that of Horace Greeley. William W. Baldwin, of Burlington, his nephew, a close associate, and Mr. Simon Casady, of Des Moines, likewise long associated with him, have assisted in the reading and have verified the most difficult passages.—EDITOR.]

GENERAL BAKER.

Among the most eccentric and yet in his line ablest and most efficient officials ever in Iowa was Gen. Nathaniel B. Baker.

With good education—a graduate of the best New England university—having read in the office of Franklin Pierce, a lawyer—member of the New Hampshire legislature—Speaker thereof for two terms—his only service,—Governor of the state in 1854—editor of the *Patriot*, leading paper of his party (Democratic)—coming to Iowa in 1856—settled in Clinton Co.—elected to the Iowa House in 1860—and was in what is known as the War Session, 1861—in July, 1861, was made Adjutant General and reappointed in 1864,—it will thus be seen that his official relations with the two states were almost continuous and in all respects leading. A Democrat in New Hampshire and when coming to Iowa—at the very moment of the War of the Rebellion, outspoken and most active for the cause of the Union,—standing with the gallant Major Kellogg and others of his party for the most aggressive warfare and liberal appropriation for the flag and suppression of the Rebellion, ever strong as a Republican, he was at once recognized as a man of great value and strength—one whose services were not to be either overlooked nor under-estimated.

General Baker was *sui generis*. Not by any means a teetotaler—taking more interest in a policy or growing party than the work of Speaker of the New Hampshire legislature or the duties of Governor—text books, whether in Latin or mathematics, engrossed his attention much less than a good cigar or a free enjoying time with his classmates,—not a plodder—never a bookworm, he yet had a mind so active that he grasped readily leading principles and clove to his lessons and conclusions with a constancy which gave him a good standing in his classes and high position in any place to which he was elected.

I have said he was eccentric. By this I mean that he preferred rest to work—a good time to close attention to his official duties—talked about everything in a rambling, apparently incoherent way—was on the street more than in his office—never seemed to know what was going on or to influence his subordinates—and yet whether as Speaker, legislator, Governor or Adjutant General was among the most efficient, painstaking and correct officials ever in Iowa or elsewhere. His records in all the multifarious work of the war and following, are models of neatness, completeness and correctness. It may be doubted whether in another like office in any state a record can be found in all respects so satisfactory and readily comprehended and understood. He was prompt, energetic and systematic, and to such an extent as to elicit the most flattering compliments from the press and others in almost every state in the Union. Of few other things are the people of this State more justly proud.

General Baker was a man of commanding presence—always plain-spoken and earnest—but little if any of the courtier—none of “that creeping, cat-like quiet that stamps all sinister, two-sided men.”

His nature was phenomenally generous and the warmest in its attachments and friendships. The needy or those in poverty he never passed without a kindly word or help. Such a man never made money—never accumulated—he spent as he earned, either for actual needs or to gratify his tastes or charitable disposition.

Was he studious? I answer, no, if by that is meant application to tasks or the many details of business. How then did he so well succeed and so well acquit himself in public life and especially in the office of all others—the last he held—requiring watchfulness and constant attention to men, companies, regiments and statistics? I answer, by reason of his natural ability to grasp things as if by inspiration—to marshal his forces—his many clerks—to select the best men—and so condense and arrange as to give evidence of the extremest personal care and attention. Then he was so large-hearted and genial that he commanded the best service and inspired unlimited confidence in his work. Had his habits been better—such as to rally around him a different and higher moral element,—such was his nobility of nature, quick, active intellect and generosity of spirit—he might have ranked in state and nation among the most able and influential. But he was Nat. Baker and could not be another.

JONATHAN W. CATTELL.

I wish to leave a word of testimony to the high official character and great personal worth of Jonathan W. Cattell.

Was a member of the Senate from Cedar county for two terms (1856-58)—State Auditor three terms (1859-65)—again a member of the Senate from Polk, 1866—and at the time of the trouble with Auditor Brown (1885-86) was appointed to the office by the Governor (Sherman) and acted for several months and until the impeachment proceedings were ended. He was also prominently connected with important insurance companies and recognized by all as among the best and most faithful business men of the State. He died within the last three years on his farm near Des Moines, where he had lived for years in the quiet enjoyment of a happy home.

Was of the best Quaker stock—tall—not especially courtly—having rather the plain manners and habits of the Friend—of the best and most exemplary habits—fairly strong, intellectual face—a good thinker—honest to the State and its every interest—one of the best legislators and officials—true as steel to every trust—he loved Iowa, and Iowa trusted and

relied upon him as upon few others. Was not an orator if noise, big words and rotund sentences so count, and yet was so thoroughly posted in all the affairs of state—a kind of walking encyclopædia of all its departments, that he was always listened to with interest and like profit. Was apparently as artless as a child, and yet not of the enduring, easily-imposed upon class. Of generous, trustful nature, he was admittedly a good judge of men—weighed well, dispassionately and unselfishly all sides of a problem and the claims of all—reaching his conclusions according to what he believed to be the very right of the matter. Was intense in his anti-slavery views, a most ardent partisan—believed in his very heart that his party was right and those opposed wrong, and forever so. Left no family except his widow, who was of like Quaker stock, and was in all respects a most worthy and efficient helpmate.

STEWART GOODRELL.

Stewart Goodrell, who lived first in Brighton in Washington county and afterward in Des Moines, where he died some two years or more since, was of good size—florid complexion,—a mechanic,—of moderate education only, and yet in many ways well informed himself on the affairs of the State.

We first find him a member of the Second Constitutional Convention (1846), then of the first and second State General Assemblies, then again of the 8th, 1860, from Polk, one of the commissioners to locate the capitol (1856) and pension agent at Des Moines at the time of his death. Was twice married, the second wife being the sister of Alex Scott, who was one of the earliest settlers of Des Moines and the owner of a large part of the ground covered by the (east) part of the original city.

Not much of a talker, but of the most royal good sense—pleasant and popular manners, he always had good influence and took the front rank as a legislator. It will be seen that his last legislative service was in the well-known War session (1860-61), composed of an exceptionally strong body of men—Judges Hall, Caldwell, Clagett, Riddle, Ruddick—as also

General Baker, Major Kellogg, Geo. W. Bemis, [Lieut.] Gov. Gue, W. H. F. Gurley, Rush Clark, A. H. Bereman, N. G. Hedges, and other well-known legislators being his colleagues. That he held a good position his places on committees as well as the proceedings of those two unusually active sessions (there was an extra session in May, 1861) abundantly attest. He would always have friends and have their help and active assistance if the occasion demanded. A most enthusiastic Republican, he was still so cordial in his relations with all his fellows that, outside of politics, he seldom provoked antagonism.

Was honest—died poor—left a most excellent family,—loved a good joke as well on himself as on others. Among those he enjoyed most was this:

After his services in the House and the distinction of the Constitutional Convention, he was ambitious for the Senate,—very much so. When the committee met he seemed to have things all his own way. He concluded to play the martyr role, and when his name was suggested, took the floor and told the delegates at what great sacrifice he had served the people before,—how he was neglecting his business—was poor,—and proceeded to name several worthy gentlemen of whom they ought to demand the sacrifice. More than one good friend appealed to him—that he had so well cared for their interests, and that this was the time when they needed good and strong men, &c. To these he replied, begging off, and finally with apparent great reluctance said if he must, he must, &c. In the meantime, another name of those referred to by him, had been mentioned—they balloted, and to use his own language “the damned fools took him at his word and nominated the other fellow.” He always wound up by saying that he wanted the place very much indeed, and concluded that he would never again so act the idiot. Always try to tell the truth and ask for what you want—if you do want it—in politics as in everything else. Not that a man should be a place or office seeker, but if he determine to seek tell the truth when the time comes and the occasion demands. Other aspirants as I

know have failed just as the Colonel did, and greatly to their disappointment.

Of the non professional men—those of limited education and few opportunities—without the aid of money or strong family influence, Colonel Goodrell will be long remembered as among the strong, active and worthy.—He was a good type of a pioneer legislator and sound sense in official and business life.

Possibly “to point a moral” if not “adorn a tale”, I note this instance:

As stated, Colonel Goodrell was pension agent at Des Moines at the time of his death. His death occurring late in the night was not announced in the morning papers. I was in the Senate and not unreasonably would have a voice in nominating his successor. Ignorant myself of his decease, soon after breakfast a friend whom I esteemed highly called at my library and said he wanted the agency. I said, “Why, there is no vacancy.” “Yes,” he said, “Colonel Goodrell died last night,” and about four or five hours before he called. I said, “I like you and would be glad to recommend you, but I will not help one who is so anxious that he cannot wait until our mutual friend is buried. You indicate a too active desire for office.” And I did not recommend him and he was not appointed.

IOWA.—It appears from a paragraph in the Cincinnati Gazette, that “civil government is at an end,” for a time in the territory of Iowa. That paper says:—Strife has arisen between Gov. Lucas and the Iowa Territorial legislature on a question of power. The Governor insists that all laws and resolutions must be approved by him before they are of any force. The Legislative body contest this position. Both parties spunk up—and all public business is delayed in consequence.—Albany, N. Y.—*The Jeffersonian*, January 19, 1839.

EARLY IOWA INDIAN TREATIES AND BOUNDARIES.¹

BY COL. ALONZO ABERNETHY.

(Concluded.)

FIELD NOTES

Field Notes of the Sioux Cession of the Neutral Ground.

Commencing at the corner Established on the East bank of the Desmoin as Described on the preceding page and Run up the River Desmoin on the Eastern Side as follows—

N. 70 W. at 300 links came to the fork at low water mark 295 links wide—bears N. 15 E. 37.00 Chs; N. 53 W. 43.00 Chs (1 mile); N. 53 W. 20.00 Chs; N. 15 E. 29.00 Chs; N. 12 W. 31.00 Chs (2 mile); N. 12 W. 22.00 Chs; N. 16 E. 12.00 Chs; N. 5 E. 29.00 Chs; N. 29 E. 10.00 Chs; N. 14 W. 7.00 Chs (3 mile); Rained a part of this Day This the 20th day of May— 1832; N. 14 W. 4.00 Chs; N. 12 W. 76.00 Chs (4 mile); N. 12 W. 9.00 Chs; N. 40 W. 71.00 Chs (5 mile); N. 40 W. 80.00 Chs (6 mile); N. 40 W. 80.00 Chs (7 mile); N. 68 W. 80.00 Chs (8 mile); N. 68 W. 80.00 Chs (9 mile); N. 68 W. 80.00 Chs (10 mile).

N. 68 W. 80.00 Chs (11 mile); N. 68 W. 80.00 Chs (12 mile); N. 68 W. 80.00 Chs (13 mile); N. 68 W. 80.00 Chs (14 mile); N. 68 W. 80.00 Chs (15 mile); N. 68 W. 80.00 Chs (16 mile); N. 40 W. 80.00 Chs (17 mile); N. 40 W. 70.00 Chs; N. 3 W. 10.00 Chs (18 mile); N. 3 W. 80.00 Chs (19 mile); N. 3 W. 80.00 Chs (20 mile).

¹Correction.—The two articles of a treaty of October 21, 1837, quoted in the ANNALS, p. 253, January, 1914, from Kappler's *Indian Affairs, Laws and Treaties*, v. II, p. 497, should have been attributed to the same authority, p. 495, the text being as follows:

The Sacs and Foxes make to the United States the following cessions, viz.:

First. Of a tract of country containing 1,250,000 acres lying West and adjoining the tract conveyed by them to the United States in the treaty of September 21, 1832. It is understood that the points of termination for the present cession shall be the northern and southern points of said tract as fixed by the survey made under the authority of the United States, and that a line shall be drawn between them, so as to intersect a line extended westwardly from the angle of said tract nearly opposite to Rock Island as laid down in the above survey, so far as may be necessary to include the number of acres hereby ceded, which last-mentioned line, it is estimated, will be about twenty-five miles.

Second. Of all right or interest in the land ceded by said confederated tribes on the 15th of July, 1830, which might be claimed by them, under the phraseology of the first Article of said treaty.

N. 3 W. 63.00 Chs; N. 16 E. 12.00 Chs; N. 10 W. 5.00 Chs (21 mile); Frosty, May 21st 1832 N. 10 W. 3.00 Chs; N. 45 E. 36.00 Chs; N. 4 S.W. 41.00 Chs (22 mile); N. 4 W. 27. Chs; North 23.00 Chs; N. 43 W. 13.00 Chs; N. 32 W. 17.00 Chs (23 mile); N. 68 W. 32.50 lks to a creek 25 lks wide Runs South 80.00 Chs (24 mile); N. 68 W. 80.00 Chs (25 mile); N. 68 W. 40.00 Chs; N. 73¼ W. 26.00 Chs to the East Bank of the River Desmoin; where Established the South West corner of the Sioux Session to the U. States by Planting a Stake and Raising a Mound. With a Cillinder of Charcoal underneath it as Required, from which a Red Elm 16 in in diameter bears S. 26° E. 5-10 links Marked thus U S—and a Red Elm 18 inches in diameter bears N. 84 W. 16.37 lks Distant Marked thus SIOUX at this Place the River Runs S. 25 E. for a Short Distance and in ascending the River it bears S. 84 W. and is 150 links wide Deep and Sluggish May 22nd 1832 From thence as follows N. 73.15 E. 80.00 Chs 1 mile Raised a mound and Depoited Charcoal as Required Land level Prairy Soil Good fit for cultivation—

Continued N. 73.15 E. at 70.00 Chs a Branch 25 links wide Runs South 80.00 Chs Or 2 mile Raised a mound and Deposited a Cilinder of Charcoal as Required Land level Soil Good fit for cultivation

Continued N. 73.15 E. 80.00 Chs—3 mile Raised a mound and Deposited a cilinder of Charcoal as Required Land Roling Prairy Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs—4 mile Raised a mound and Deposited a cilinder of charcoal as Required Land flat Prairy Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs—5 mile. Raised a mound and Deposited Charcoal as Required Land Gently Roling; Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—6 mile Raised a mound and Deposited a cilinder of Charcoal as Required Land flat wet Prairy Pond mostly fit for cultivation

Continued N 73.15 E. 42.50 lks a Branch 50 links wide S.E. 80.00 Chs—7 mile Raised a mound and Deposited a cilinder of Charcoal as Required Land Gently Roling Soil good fit for cultivation

Continued N. 73.15° E. 80.00 Chs—6 mile Raised a mound and Deposited cinders of Charcoal as Required Land Gently Roling Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs—9 mile Raised a mound and Deposited a Stone as Required Land level Prairy Soil first Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—10 Mile Raised a mound and Deposited a cinders of Charcoal as Required Land Gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 11 mile. Raised a mound and Deposited a cinders of Charcoal as Required. Land level and Rich but mostly wet

Continued N. 73.15 E. 80.00 Chs—12 mile Raised a mound and Deposited a cinder of Charcoal as Required The greater part of this mile is covered with water; Ponds not fit for cultivation

Continued N. 73.15 E. 80.00 Chs—13 mile— Raised a mound and Deposited a cinder of Charcoal as Required—Land level and Rich fit for cultivation.

May 23rd 1832

Continued N. 73.15 E. 13.10 lks to a white Oak 12 inches in diameter bear S Struck the timber 19.50 lks to the West Bank of the Second or uper fork of the River Desmoin 1.20 lks wide Runs S.E. Sluggish current at 36.00 Chs Struck the Bluff and left the timber 80.00 Chs—14 mile Raised a mound and Deposited a cilinder of Charcoal as Required Land Roling and Rich fit for cultivation

Continued N. 73.15 E. 80.00 Chs—15 mile— Raised a mound and Deposited a cilinder of Charcoal as Required Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 16 mile— Raised a mound and Deposited a cilinder of Charcoal as Required Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—17 mile— Raised a mound and Deposited a cilender of Charcoal Land level and good fit for cultivation

Continued N. 73.15 E. 80.00 Chs 18 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile intersperced with Ponds not fit for cultivation

Continued N. 73.15 E. 80.00 Chs—19 mile Raised a mound and Deposited a cilender of Charcoal as Required Land level and wet not fit for cultivation

Continued N. 73.15 E. 80.00 Chs—20 mile, Raised a mound and Deposited a cilender of Charcoal as Required Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—21 mile— Raised a mound and Deposited a cinder of Charcoal as Required Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—22 mile,— Raised a mound and Deposited a cilender of Charcoal as Required Land level Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—23 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land level and Rich fit for cultivation

Continued N. 73.15 E. 80.00 Chs—24 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level and Rich fit for cultivation

Continued N. 73.15 E. 80.00 Chs—25 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level 2nd Rate fit for cultivation.

Continued N. 73.15 E. 80.00 Chs 26 mile Raised a mound and Deposited a cilender of Charcoal as Required Land level 2d Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—27 mile. Raised a mound and Deposited a cilender of Charcoal as Required— Land level 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—28 mile— Raised a mound and Deposited a cinder of Charcoal as Required Land level Soil good fit for cultivation

May 24th 1832

Continued N. 73.15 E. 80.00 Chs—29 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—30 mile— here being necessarily compelled I have Raised a mound without Coal or Stone Land level 2nd Rate fit for cultivation

Continued N. 73.15 E. at 76.50 lks Struck a pond 7.50 lks wide at the 80.00 Chs or 31 mile Raised no mound but it being inaccessible at 84.00 Chs Raised a mound with no Coal nor Stone in Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—32 mile Raised a mound with no cinders under Land gently Roling fit for cultivation

Continued N. 73.15 E. 80.00 Chs—33 mile— Raised a mound without Coal or Stone Land Gently Roling 1st Rate fit for cultivation

Continued 73.15 E. 80.00 Chs—34 mile— Raised a mound without cilender of Coal or Stone Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—35 mile— Raised a mound with no cinders in Land level 1st Rate fit for cultivation

Continued N 73.15 E. 80.00 Chs—36 mile. Raised a mound without cinders or Stone Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—37 mile Raised a mound with no cinder nor Stone Land level 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—38 mile— Raised a mound without a cinder or a Stone Land gently Roling Soil good fit for cultivation

May 25th 1832

On the day above mentioned left off work about 4 'Oclock P. M. and Encamped about 4 mile off the line, it being the most convenient timber;—for the Purpose of Burning Coal

25th May 1832

On the Morning of 26th Sent Back on the line and Deposited in the mounds as Required by the Instructions at 10 Oclock proceeded on with the line

Continued N. 73.15 E. at 5.00 Chs Struck a pond at 40.00 Chs left the pond and Struck the hig land 80.00 Chs ²39-38 mile Raised a mound and Deposited a cilender of Charcoal as Required The last 40.00 Chs of this mile gently Roling Prairie Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs—40-39 mile. Raised a mound and Deposited a cilender of Charcoal as Required— Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs—41-40 mile; Raised a mound and Deposited a cillender of Charcoal as Required Land Roling 1st Rate Soil fit for cultivation

Continued N. 73.15 E. 20.00 Chs to a marsh Or pond 80.00 Chs 42-41 mile 42-41 M at 95.00 Chs left the marsh or pond where Raised a mound and Deposited a cilender of Charcoal as Required— this Being Raised here is in consequence of water being Entirely over this marsh

Continued N. 73.15 E. 80.00 Chs—43-42 mile. Raised a mound and Deposited Charcoal as Required Land level Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 44-43 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 45-44 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 46-45 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level Soil 2nd Rate fit for cultivation here found 2 canoes

Continued N. 73.15 E. 80.00 Chs 47-46. mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 48-47 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling and Interspered with ponds Dry land good and fit for cultivation

²From this point forward the notes indicate miles thus: 39-38 40-39, etc., because of a miscount later described.

Continued N. 73.15 E. 80.00 Chs 49-48 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs 50-49 mile Raised a mound and Deposited a cilender of Charcoal as Required— Land gently Soil 1st Rate. fit for cultivation

May 26th 1832

Continued N. 73.15 E. 80.00 Chs 51-50 mile. Raised a mound and Deposited a cilender of Charcoal as Required this mound Stands Immediately in the Edge of the head of a lake which bears an Eastwardly Direction Land Roling and Interspered with Ponds—

Continued N. 73.15 E. 46.00 Chs across the above mentioned lake to the hill 80.00 Chs 52-51 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land Roling

Continued N. 73-15 E. 80.00 Chs 53-52 mile Raised a mound and Deposited a cinder of Charcoal as Required this mile Running parrallel with this lake at this Point the lake is Probably a half a mile in width and some timber on the South Side Land Roling Soil 1st Rate fit for cultivation— At this Point the line Bears off from the Lake and appears to be below this on the North Side of a large grove of timber

Continued N. 73.15 E. 80.00 Chs 54-53 mile Raised a mound and Deposited a cilender of Charcoal as Required— Land gently Roling Soil first Rate fit for Cultivation

Continued N. 73.15 E. 80.00 Chs 55-54 mile Raised a mound and Deposited a cilender of Charcoal as Required the line Bordering in on the lake the whole length of this mile Land gently Roling Soil good fit for cultivation

Continued N. 73.15 E. 80.00 Chs 56-55 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Soil good fit for cultivation

Continued N. 73.15 E. 20.00 Chs Struck the timber 62.50 lks to a white Oak 15 inches in Diameter 80.00 Chs 57-56 mile where set a Stake from which a white Oak 15 inches in Diameter bears S. 2. E. 37 lks marked thus U. S. 56. M— and a white Oak 18 inches in diameter bears S. 23 W. 61 lks distant Marked thus U. S. 56. M. and a white Oak 24 inches in Diameter bears N. 41 E. 49 lks Distant Marked thus SIOUX 56 M. and a white Oak 20 inches in Diameter bears N. 19 W. 145 lks distant Marked thus SIOUX 56 M.

May 27th 1832

Continued N. 73.15 E. 32.00 a white Oak 15 inches in Diameter 75.00 Chs left the timber 80.00 Chs 58-57 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Roling and Rich Timber white and Black Oak Undergrowth hazle and quakenasp

Continued N. 73.15 E. 49.75 lks to a small creek 25 lks wide bears South 80.00 Chs 59-58 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil Good fit for cultivation

Continued N. 73.15 E. 80.00 Chs 60-59 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land level first Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 61-60 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land level first Rate fit for cultivation

Continued N 73.15 E. 80.00 Chs 62-61 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation—

Continued N. 73.15 E. 80.00 Chs 63-62 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 64-63 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land level Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 65-64 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil first Rate fit for cultivation Carried over to Book 2nd

Nathan Boone
Surveyor

On May 26th 1832—at 41 Mile line is where the Sock & Sioux had a fight last year & Several Killed. This Sock In camp situate on a high perrai hill about 25 Ch to the South this Mound and near the East Side of a Lake a pond this pond is a small grove of timber about $\frac{1}{4}$ of a Mile West of the Sock camps—

The Sioux were encamped in a grove of timber & on the North Side of a Lake situate about four Mile Dis N.W. from the Soc camp— This information was given Me by a Soc indian who is with us

I certify that the foregoing notes on page one to Seventy Seven, inclusive are the original field notes of the Survey of the Indian boundary line; as executed under the 2nd article of a treaty made with the SOCS—FOXES & Sioux Indians on the 19th August 1825 & 15th July 1830; and that the lines courses and distances, were all taken with my compass set at a variation of nine degrees East

Indian Office August 7th 1832

Nathan Boone
Deputy Surveyor

Continued the line of Survey between the Sioux and the U., States

Continued N. 73.15 E. 80.00 Chs 66-65 mile. Raised a mound and Deposited a Cilender of Charcoal as Required Land gently Roling with hazle Brush growing Over it Soil first Rate fit for cultivation

Continued N. 73.15 E. 19.50 lks to a Small Creek 25 lks wide bears S.E.— 80.00 Chs 67-66 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling with some scattering Bunches of hazle Brush Over it,— Soil first Rate; fit for cultivation

Continued N. 73.15 E. at 5.00 Chs Struck the timber 60.00 Chs to a Bur Oak 12 inches in Diameter 72.00 to the West fork of English River 75 links wide Runs S.E. This Creek is Shoally and Rocky Bottom The banks also Rocky 80.00 Chs 68-67 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate Timber low and scrubby Oak lynn and quakenasp— Undergrowth hazle Oak quackenasp and prickly ash

May 28th 1832

Continued N. 73.15 E. 80.00 Chs 69-68 mile. Raised a mound and Deposited a cilender of Charcoal as Required. Land gently Roling 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 70-69 mile Raised a mound and Deposited a cilinder of Charcoal as Required Land gently Roling Soil first Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 71-70 mile. Raised a mound and Deposited a cilinder of Charcoal as Required— Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 72-71 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil first Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 73-72 mile. Raised a mound and Deposited a cilinder of Charcoal as Required Land gently Roling Soil first Rate. fit for cultivation

Continued N. 73.15 E. 4.00 Chs to the west Bank of the East fork of the English River 175 lks wide Runs S.E. This River is Shoally and appears to be lined with a perpendicular Rock alternately Either on the Right or left Bank of from 10 to 20 feet in hights about 20 chain below the line is a perpendicular fall of about four feet On the East Bank Struck the timber 9.30 lks to a Red Oak 14 inches in Diameter at 25.00 Chs left the timber 80.00 Chs 74-73 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Roling 2nd Rate timber white and Black Oak low and Scrubby— Land fit for cultivation Undergrowth Oak hazle and Shoe make—

Continued N. 73.15 E. 80.00 Chs 75-74 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 76-75 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

May 29th 1832

Continued N. 73.15 E. 80.00 Chs 77-76 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 78-77 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 79-78 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 80-79 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling. Soil 1st Rate fit for cultivation

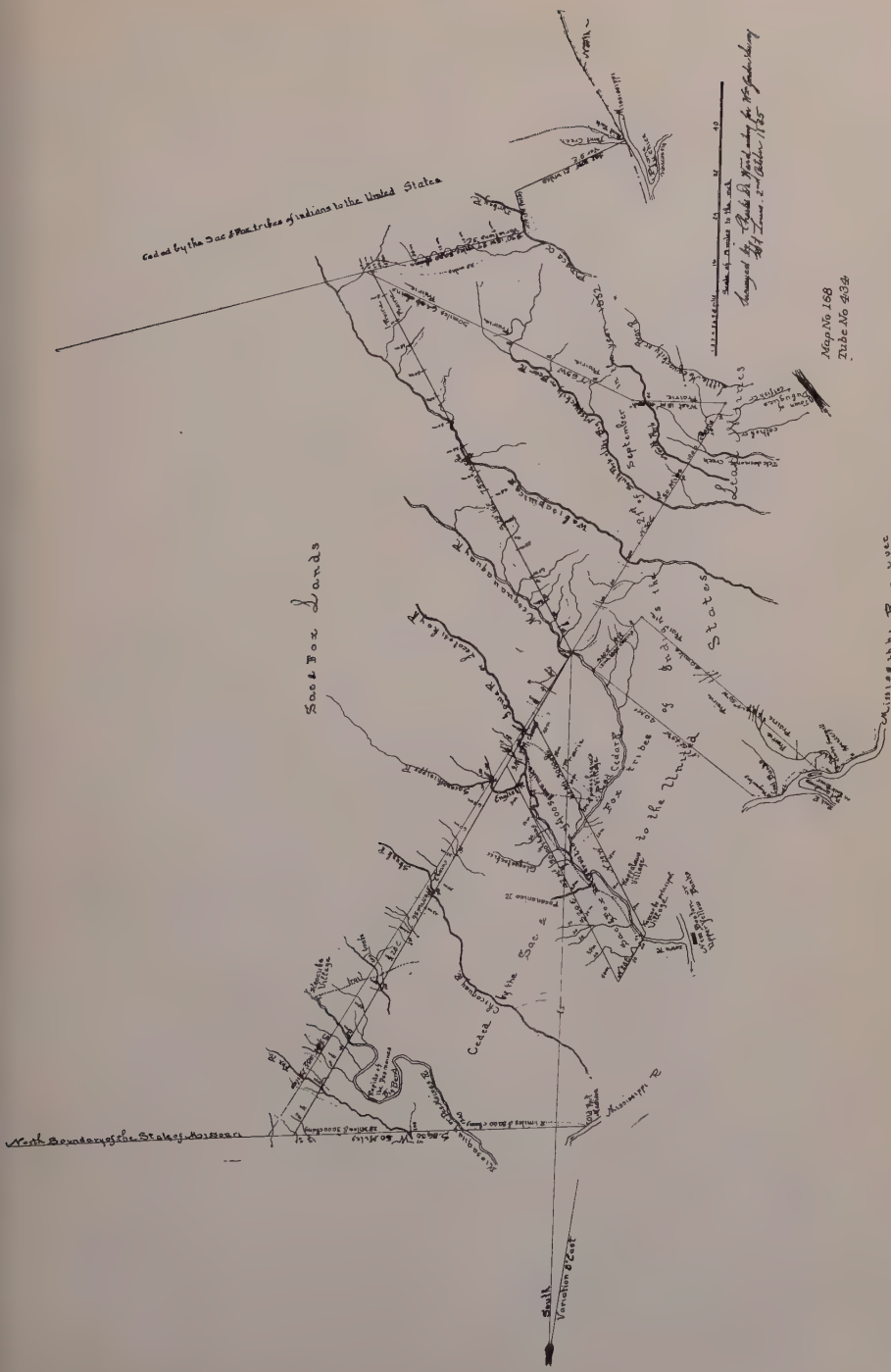
Continued N. 73.15 E. 80.00 Chs 81-80 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate, fit for cultivation

Continued N. 73.15 E. 80.00 Chs 82-81 mile where set a Stake from which a white Oak 18 inches in diameter bears S 46 W. 63 lks distant marked Thus U. S. 81 M and a white Oak 15 inches in diameter bears S 44.30 E 118 links distant marked Thus U. S. 81 M and a white Oak 15 inches in Diameter bears N 64 E. 66 links distant Marked Thus SIOUX 81 M: and a white Oak 15 inches in diameter bears N 41 E 196 links distant Marked Thus SIOUX 81 M at this corner Struck the timber Land gently Roling Soil 1st Rate fit for cultivation—

Continued N. 73.15 E. at 10 44 lks Struck a small creek 25 lks wide Runs South at 44.10 lks to a white Oak 9 inches in Diameter where left the timber 80.00 Chs 83-82 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling 1st Rate Timber white and Red Oak low and scrubby Land fit for cultivation

Continued N. 73.15 E. 80.00 Chs 84-83 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 85-84 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation



Map by Charles De Ward, showing line of southeast corner of Sack and Fox cession of Neutral Ground, and the western boundary of the cession of September 21, 1832, known as the "Black Hawk Purchase."

EARLY IOWA INDIAN TREATIES AND BOUNDARIES 367

Continued N. 73.15 E. 80.00 Chs 86-85 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil first Rate with some hazle growing on it fit for cultivation

May 30th 1832

Continued N. 73.15 E. at 15.00 Chs Struck the timber 22.50 lks to the *west Bank of Red Cedar* 200 lks wide Runs S.E. This River is Shoally and Rocky Banks 37.50 lks to a Blue Ash 14 inches in diameter 80.00 Chs 87-86, mile where set a Stake from which a Red Oak 20 inches in Diameter bears N 9 E 155 lks Distant marked thus SIOUX 86 M. and a Slippery Elm 20 inches in Diameter bears.. S 30 W. 34 lks.. Distant marked thus U.S. 86 M— Land Roling Soil 1st Rate timber Oak Elm lynn and Sugartree Undergrowth same fit for cultivation

Continued N. 73.15 E. 16.13 lks a white Oak 24 inches in diameter at 60.00 Chs left the timber 80.00 Chs 88-87 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate timber Oak Lynn and Elm Undergrowth hazle oak and quakenasp

Continued N. 73.15 E. 80.00 Chs 89-88 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 90-89 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate This land fit for cultivation

Continued N. 73.15 E. 80.00 Chs 91-90 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

May 31st 1832

Continued N. 73.15 E. 80.00 Chs 92-91 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate, with some scattering hazle Brush, fit for cultivation

Continued N. 73.15 E. 80.00 Chs 93-92 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 94-93 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil first Rate with some scattering trees thickly set with hazle Brush, fit for cultivation

Continued N. 73.15 E. 80.00 Chs 95-94 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 8.00 Chs Struck the timber 10.00 Chs to creek 50 lks wide Runs South Strong current 80.00 Chs 96-95 mile where set a Stake from which a white Oak 15 inches in diameter

bears N. 11 E. 2.04 lks distant marked thus SIOUX 95 M and a Red Oak 18 inches in diameter bears S 14 W 2.91 links distant marked thus U.S. 95 M. Land gently Rolling Soil 2nd Rate timber Scattering low and scrubby white and Red Oak undergrowth hazle and Oak

Continued N. 73.15 E. 24.50 lks to a white at 45.00 Chs Oak 9 inches in Diameter left the timber 80.00 Chs 97-96 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolling Soil good timber Red and white Oak undergrowth same fit for cultivation

June 1st 1832

Continued N. 73.15 E. 80.00 Chs 98-97 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 99-98 mile. Raised a mound and Deposited a cilender of Charcoal as Required. Land gently Rolling— 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 100-99 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolin 2nd Rate fit for cultivation

Continued N. 73.15 E. at 5.00 Chs Struck the timber 15.50 lks to the west Bank of a creek 30 lks wide Runs S.E— 80.00 101-100 mile where sat a Stake from which a Red Oak 14 inches in Diameter bears N. 1. W 90 links Distant marked thus SIOUX 100 M and a white Oak 14 inches in Diameter bears S 3. E 103 links Distant marked Thus U.S. 100 M— Land gently Rolling Soil thin timber Oak Ash and Elm undergrowth Same

Continued N. 73.15 E. 30.10 lks to a Red Oak 9 inches in Diameter— at 70.00 Chs left the timber 80.00 Chs 102-101 mile. Raised hazle Oak and Adder fit for cultivation Rained all the fore noon of this day

June 2nd 1832

Detained this day in csequence of Rain and wind

June 3rd 1832

Continued N. 73.15 E. 80.00 Chs 103-102 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolling 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 104-103 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolling Soil 2nd Rate fit for cultivation—

Continued N. 73.15 E. 80.00 Chs 105-104 mile. Raised a mound and Deposited a cilender of Charcoal as Required— Land gently Rolling. Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 106-105 mile— Raised a mound and Deposited a cilender of Charcoal as Required Land gently Rolling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 107-106 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 108-107 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 109-108 mile where set a post from which a Red Oak 14 inches in Diameter bears N 9 W. 24 links distant marked thus SIOUX 108 M and a Red Oak 14 inches in Diameter bears S 2 W 48 links Distant Marked thus U S. 108 M— Land gently Roling 1st Rate

Continued N. 73. 15 E. at 10.00 Chs left the timber Red and white Oak 17.00 Chs to small creek 20 lks wide Runs South 37.54 lks to a white Oak standing alone in the Prairy 18 in dia 80.00 Chs 110-109 mile. Raised a mound and Deposited a cilender of Charcoal as Required— Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 111-110 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 1st Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 112-111 mile. Raised a Mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 113-112 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for Cultivation

Continued N. 73.15 E. 80.00 Chs 114-113 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 115-114 mile. Raised a mound and Deposited a Cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 116-115 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 116-117 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd rate fit for cultivation

June 4th 1832

Continued N. 73.15 E. 80.00 Chs 118-117 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 119-118 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 120-119 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 121-120 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 121-122 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for culitvation

Continued N. 73.15 E. 80.00 Chs 123-122 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 124-123 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 125-124 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 126-125 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Soil 2nd Rate fit for cultivation

Continued N. 73.15 E. 80.00 Chs 127-126 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Broken and Rich (In Establishing this corner I discovered that I had made a Mistake in numbering this corner) This is corner from which I run N 17- $\frac{1}{4}$ W— from At 127. mile Established a corner oposite the Source of the left hand fork of the Ioway River by Raising a mound and Depositing a cilender of Charcoal as Required—

June 5th 1832—

Lay by the 6th—The 7:8 and a part of the 9th Spent in running across to the mouth of the Left hand fork of the Ioway River—for the purpose of proeving the work

Continued the line as follows— N. 17- $\frac{1}{4}$ W. 80.00 Chs—1 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Broken not fit for cultivation—

Continued N. 17- $\frac{1}{4}$ W. 80.00 Chs—2 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Roling with hazle Brush and Oak on it Soil 2nd Rate fit for cultivation—

Continued N. 17- $\frac{1}{4}$ W. 3.00 Chs to the Ioway River 150 lks wide Runs East 22.69 links to a Bur Oak 14 inches in Diameter 70.00 Chs Struck the heavy timber— 80.00 Chs—3 mile where sat a Stake from which a white Oak 30 inches in Diameter bears N 77 E. 38 links Distant marked thus U S 3 M— and a white Oak 36 inches in diameter bears S 68- $\frac{1}{2}$ W 102 links Distant marked thus SIOUX 3 M—

June 9th 1832

Continued N. $17\frac{1}{4}$ W—18.00 to the Ioway River 125 links wide Runs South—28.50 lks Struck the Ioway River and Run with the channel at 38.50 links left the channel of the River— 59.00 Chs Struck the Ioway River 75 links wide Runs East 80.00 Chs—4 mile where sat a Stake— from which a white Oak 15 inches in Diameter bears S $72\frac{1}{2}$ W 175 links Distant marked thus SIOUX 4 M and a white Oak 15 inches in diameter bears S $87\frac{1}{2}$ E 137 links Distant marked thus U.S 4 M— Land Broken Soil thin timber low— White and Red Oak Undergrowth Same—

Continued N. $17\frac{1}{4}$ W. 80.00 Chs—5 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Broken and poor timber white and Black Oak small low and scrubby— undergrowth same

Continued N. $17\frac{1}{4}$ W. 40.00 Chs— $5\frac{1}{2}$ mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Barony land timber scattering and small fit for cultivation—

Continued thence N. $62^{\circ}.20'$ E. 47.92 links to a white Oak 8 inches in Diameter— 80.00 Chs—1 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil thin timber low scattering and scrubby white Oak— Undergrowth Same—

Continued N. $62^{\circ}.20'$ E. 80.00 Chs—2 mile Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate white and Red Oak low Scattering and Small— Undergrowth hazle and Oak— fit for cultivation

Continued N. $62^{\circ}.20'$ E. 95.00 Chs Struck the open Prairy— 80.00 Chs—3 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land gently Roling Soil 2nd Rate timber white and Red Oak Scrubby and Scattering Undergrowth hazle and Oak fit for cultivation

Continued N. $62^{\circ}.20'$ E. 80.00 Chs—4 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile open Barrons timber Scattering and Small Land gently Roling Soil 2nd Rate: fit for cultivation

Continued N. $62^{\circ}.20'$ E. 80.00 Chs—5 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Gently Roling 2nd Rate Barrons, timber low and Scattering white Oak undergrowth hazle and Oak— fit for cultivation

Continued N. $62^{\circ}.20'$ E. 80.00 Chs—6 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile Brushy Prairy hazle and Oak Soil 2nd Rate fit for cultivation

³The varying indications of course, 78.15 , $62^{\circ}.20'$ &c. is according to certified copy.

Continued N. 62°.20' E. 40.94 links to a white Oak 15 inches in Diameter— 80.00 Chs—7 mile. Raised a mound and Deposited a cilender of Charcoal as required This mile Barrons Timber white oak Land gently Roling Soil 2nd Rate fit for cultivation—

Continued N. 62°.20' E. 42.37 links to a white oak 10 inches in Diameter 80.00 Chs—8 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile Barrons. Timber low and Scattering white oaks Land gently Roling, Soil 2nd Rate fit for cultivation

Continued N. 62°.20' E. 80.00 Chs—9 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile Broken Barrons Timber white and Red oak Undergrowth hazle Oak and quakenasp Not fit for cultivation—

June 10th 1832

Continued N. 62.20 E. 80.00 Chs—10 mile Raised a mound and Deposited a cilender of Charcoal as Required Land Broken Prairy Soil 2nd Rate fit for cultivation

Continued N. 62°.20' E. 37.89 links to a white oak 18 inches in Diameter 80.00 Chs—11 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile mostly Barrons and Broken— Timber white oak Not fit for cultivation

Continued N. 62°.20' E. 66.80 links to a white oak 6 inches in Diameter— 80.00 Chs—12 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile Barrons timber small and Scattering Land gently Roling Soil 2nd Rate fit for cultivation

Continued N. 62°.20' E. at 54.00 Chs Struck a heavy Boddy of timber 63.00 Chs to a Red oak 12 inches in Diameter This Boddy of timber is of but little (value) contineuned. Becomes Barrons— 80.00 Chs—13 mile. Raised a mound and Deposited a cilender of Charcoal as Required Land Roling Soil 2nd Rate timber white oak Red oak quakenasp and Lynn Undergrowth mostly hazle

Continued N. 62°.20' E. 22.94 links to a quakenasp 12 inches in Diameter 80.00 Chs—14 mile where Sat a post from which a quakenasp 14 inches in Diameter bears S 44 W 43 lks distant marked thus U S 14 M and a quakenasp 15 inches in Diameter bears N 34 E. 51 links Distant marked thus SIOUX 14 M— Land Roling Soil good timber Red and white Oak quakenasp and Lynn Undergrowth Oak quakenasp and hazle

Continued N. 62°.20' E. 28.08 link to a white oak 12 inches in Diameter 33.50 links to a creek 50 links wide Runs N.W. 80.00 Chs—15 mile Rais a mound and Deposited a cilender of Charcoal as Required The first 33.50 link of this mile thick timber and very Broken the last Part Barrons and Brushy gently Roling 2nd Rate—

Continued N. 62°.20' E. 30.96 links to a white oak 6 inches in Diameter— 80.00 Chs—16 mile Raised a mound and Deposited a

cilender of Charcoal as Required— Land Roling Soil thin timber
Small and Scattering white oak

Continued N. 62°.20' E. 17.12 links to a white oak 8 inches in Diameter 80.00 Chs—17 mile where sat a post from which a white oak 12 inches in diameter bears N 37-½ E. 56 links marked thus SIOUX 17 M. and a white oak 14 inches in Diameter bears S 2 E. 44 links Distant marked thus U.S. 17 M— Land gently Roling Soil 2nd Rate timber low and scattering—fit for cultivation

Continued N. 62°.20' E. 80.00 Chs—18 mile. Raised a mound and Deposited a cilender of Charcoal as Required— This mile hilly and Barony— Some Scrubby timber white and Red Oak— Not fit for cultivation

Continued N. 62°.20' E. 45.23 links to a white oak 8 inches in Diameter 80.00 Chs—19 mile, where Sat a Stake from which a Black oak 14 inches in Diameter bears N 3. W 114 links Distant marked thus SIOUX 19M. and a Black oak 12 inches in Diameter bears N 79 E 152 links Distant marked thus U.S. 19 M. this mile Rocky and hilly Some Scattering trees low and Scrubby Not fit for cultivation

June 11th 1832

Continued N. 62°.20' E. 26.59 links to a Black oak 10 inches in Diameter 80.00 Chs—20 mile where Sat a Stake from which a Black oak 14 inches in diameter bears N 27 E 236 links Distant marked thus SIOUX 20 M and a Black Oak 15 inches in Diameter bears S 1°.30' E 81— links Distant marked thus U.S 20 M This mile Broken and Barrony timber low and scattering white and Black oak Undergrowth Oak Not fit for cultivation

Continued N. 62°.20' E. 37.16 links to a white oak 6 inches in Dia— 74.00 to a creek 40 links wide Runs North Deep gentle current 80.00 Chs—21 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile hills with some scattering timber white and Black Oak Not fit for cultivation

Continued N. 62°.20' E. 80.00 Chs—22 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile hills and hollows Not fit for cultivation

Continued N. 62°.20' E. 30.69 links to a Black oak 6 inches in Diameter 80.00 Chs—23 mile where Sat a post from which a Red oak 15 inches in Diameter bears S 50-½ E 225 links Distant marked thus U S. 23 M and a white oak 12 inches in Diameter bears N 27-¾ W 378 links Distant marked thus SIOUX 23 M. This mile hills— timber Scattering low scrubby Oak Undergrowth same Not fit for cultivation

Continued N. 62°.20' E. 80.00 Chs—24 mile where sat a post from which a Red oak 14 inches in Diameter bears N. 38-½ W 276 lks Distant marked thus SIOUX 24 M and a Red oak 12 inches in

Diameter bears S 61 E 196 links Distant marked thus U S. 24 M Land Broken and poor timber low and Scattering white and Red Oak Undergrowth same

Continued 80.00 Chs—25 mile. Raised a mound and Deposited a cilender of Charcoal as Required This mile hills and poor timber low scattering and Scrubby Undergrowth same

Continued N. 62°.20' E. 46.87 links to a Black oak 6 inches in Diameter 80.00 Chs—26 mile where sat a Stake from which a Black oak 12 inches in Diameter bears S 22 W 61 links Distant Marked thus U S 26 M and a Black Oak 14 inches in Diameter bears North 126 links Distant marked thus SIOUX 26 M Land Barrons poor timber white and Black Oak Scattering and scrubby Undergrowth same

Continued N. 62°.20' E. 80.00 Chs—27 mile— Raised a mound and Deposited a cilender of Charcoal as Required This mile Barrony hills— timber white and Black oak scrubby

Continued N. 62°.20' E. 15.50 links to a small creek 35 links wide Runs N.W. deep and tolerably strong current— 80.00 Chs—28 mile— Raised a mound and Deposited a cilender of Charcoal as Required this mile hilly no timber some Oak Brush

Continued N. 62°.20' E. 64.71 links to a Black oak 8 inches in Dia 80.00 Chs—29 mile where Sat a Stake from which a Black oak 14 inches in Diameter bears S 29 W 53 links Distant marked thus U.S. 29 M and a Black oak 15 inches in Diameter bears N 34 E 54 links Distant marked thus SIOUX 29 M this mile hilly and Broken timber Black and white oak Undergrowth same

Continued N. 62°.20' E. 56.00 Chs to a white oak 6 inches in Diameter 80.00 Chs—30 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile Broken timber white oak Scattering and Scrubby

June 12th 1832

Continued N. 62°.20' E. 40.39 links to a Red oak 18 inches in Diameter 80.00 Chs—31 mile where Sat a Stake from which a white oak 14 inches in Diameter bears N 65-½ W 399 links Distant marked thus SIOUX 31 M and a white oak 10 inches in Diameter bears S 53 E 105 links Distant marked thus U S 31 M Land Broken and hilly and Poor timber white and Red Oak Undergrowth same

Continued N. 62°.20' E. 39 Chs to a Black oak 10 inches in Diameter 54.43 links to a Black oak 14 inches in Diameter 80.00 Chs—32 mile where Sat a Stake from which a Black Oak 14 inches in Diameter bears N 18-½ W 44 links Distant marked thus SIOUX 32 M— and a white oak 18 inches in Diameter bears S 22-¼ E 77 links Distant marked thus U S 32 M this mile Broken and hilly timber Black and white oak Undergrowth Same Not fit for cultivation

Continued N. 62°.20' E. 32.77 links to a Black oak 18 inches in Diam 80.00 Chs—33 mile where Sat a Stake from which a Black oak 12 inches in Diameter bears S 3 W 150 links Distant marked thus U S 33 M and a Black oak 16 inches in Diameter bears N 00°.30' E 15 links Distant marked thus SIOUX 33 M— This mile broken and hilly timber white and Black Oak Undergrowth same Not fit for cultivation

Continued N. 62°.20' E. 53.45 links to a white oak 10 inches in Diameter 80.00 Chs—34 mile where Sat a Stake from which a Black oak 8 inches in Diameter bears S 46-½ E— 105 links Distant marked thus U S. 34 M— and a Black oak 18 inches in Diameter bears N 3-½ W 191 links Distant marked thus SIOUX 34 M— This mile Broken and hilly— timber white and Black oak undergrowth same Not fit for cultivation

Continued N. 62°.20' E. 80.00 Chs—35 mile Raised a mound and Deposited a cilender of Charcoal as Required— This mile Broken Barrony land not fit for cultivation timber Black and white oak low and Scattering—

Continued N. 62°.20' E. 80.00 Chs—36 mile Raised a mound and Deposited a cilender of Charcoal as Required This mile Broken Prairy

Continued N. 62°.20' E. 80.00 Chs—37 mile where Raised a mound and Deposited a cilender of Charcoal as Required This mile hilly Barrons— timber— Black Oak Undergrowth Same— At 75 Chs on this mile Struck the low lands of Root River Bottom Prairy

June 13th 1832

Continued N. 62°.20' E. 38.24 links to the S. W. Bank of Root River— 340 links wide Runs S E 45 chain Struck the hills at 47 chs a white Oak 10 inches in Diameter— 65 chains a Black oak 12 inches in Diameter 80.00 chs—38 mile where Sat a post from which a white Oak 15 inches in Diameter bears N 52 W 30 links Distant marked Thus SIOUX 38 mile and a white oak 15 inches in Diameter bears S 56 E 71 links Distant marked thus U S 38 M— The first ½ mile level Prairy the last ½ mile Broken Soil thin Timber Oak

Continued N. 62°.20' E. 21.50 lks a Black oak 18 inches in Diameter 50.00 chs a Black Oak 15 inches in Diameter 80.00 chs—39 mile where Sat a post from which a Black Walnut 15 inches in Diameter bears N 2 E 21 links Distant marked thus SIOUX 39 M and a Black oak 15 inches in Diameter bears S 30 W 8 links Dist marked thus U. S 39 M— This mile Broken and Rocky timber mostly Oak

Continued N. 62°.20' E. 33.50 links a white oak 15 inches in Dia 80.00 Chs—40 mile where Sat a Post from which a Black oak 16 inches in Diameter bears N 38 W 41 links Distant marked thus SIOUX 40 M— and a Black Oak 14 inches in Diameter bears

S 10 E— 30 links Distant marked thus U S. 40 M Land Broken and poor Timber mostly Oak

Continued N. 62°.20' E. 60.00 Chs a Black Oak 15 inches in Diameter 80.00 Chs—41 mile where Sat a post from which a white Oak 15 in in Diameter bears N 38 W 16 links Distant marked thus SIOUX 41 M and a Black oak 14 inches in Diameter bears S 48 E 26 links Distant marked thus U S— 41 M—

Continued N. 62°.20' E. 70.00 Chs a Black oak 15 inches in Diameter 80.00 Chs—42 mile where Sat a post from which a Black oak 18 inches in Diameter bears N 14 E. 19 links Distant marked thus SIOUX 42 mile and a white oak 15 in dia brs 623 W 40 lks Marked thus U S 42 M This mile Broken and Poor timber white and Black Oak Undergrowth same

Continued N. 62°.20' E. 15 Chs a Black oak 20 inches in Diameter 55 00 chs a Branch 30 links wide Runs East 80.00 chs 43 mile where Sat a post from which a Black oak 12 in Dia bears N 45 W. 15 links Distant marked thus SIOUX 43 M and a Black Oak 20 inches in Diameter bears S 42 E 25 links Distant marked thus U. S— 43 M— Land Roling Soil thin Timber Black oak Undergrowth Same

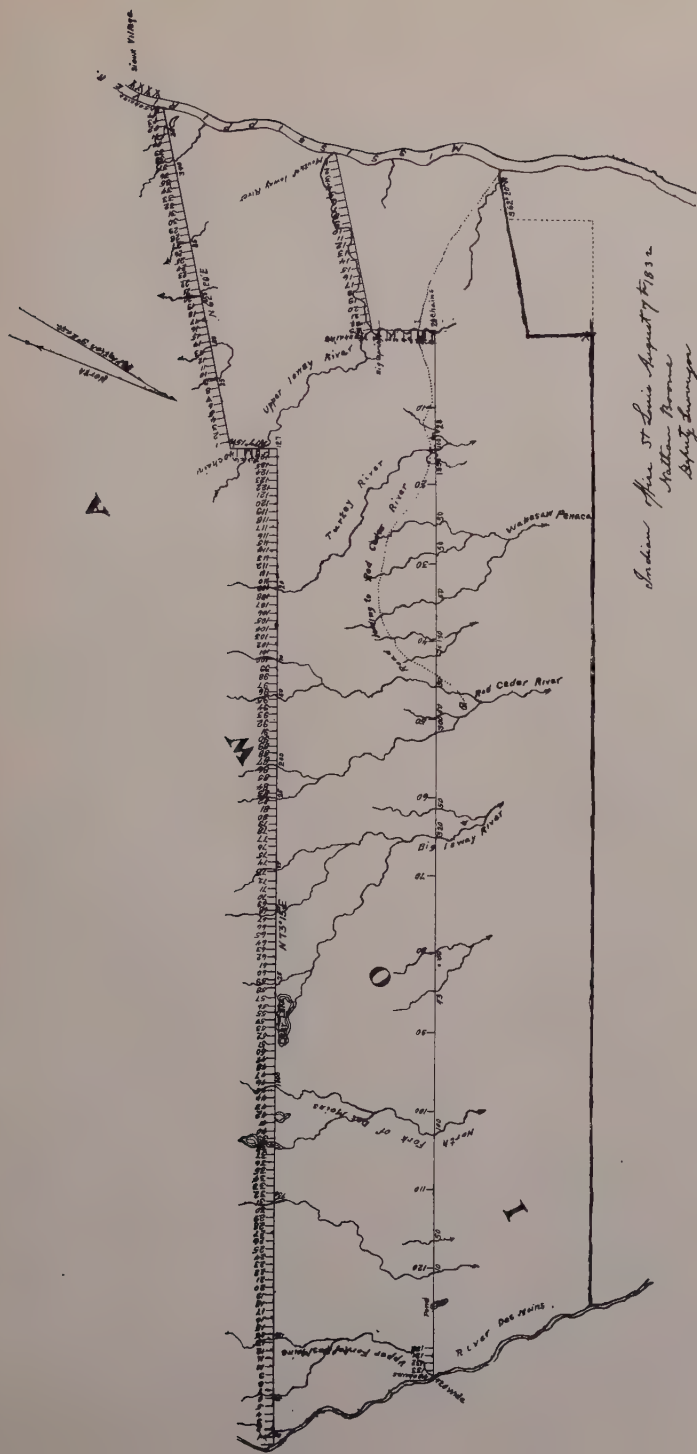
June 14th 1832

Continued N. 62°.20' E. at 17.50 lks a Black oak 14 inches in Diameter 18.00 chs the low lans of the Mississippi 80.00 Chs Set a post from which a Elm 14 in in dia brs N 31 W 14 Links Distant Marked thus SIOUX 44 M— and a Black ash 14 inches in diameter bears S 40 E 26 lks marked thus U S 44 M— The Last 62 chain level inundated Land part prairy and part Timber

Continued N. 62°.20' E. 47.50 lks to the western Bank of the Mississippi River To hickory tree the N. West corner of the Sioux Session from which a hackberry 15 inches in diameter brs N 54 W 52 lks marked thus SIOUX 44-½ M— and a Elm 14 inches in diameter bears S 35 E. 37 lks marked Thus U S 44-½ M and a white oak 12 inches in Dia brs N 43 W. 11 lks marked SIOUX 44-½ M and a Black ash 10 in in Diameter brs S 13 W 24 links marked Thus U S. 44-½ M There being no objects of Notoriety in view of this place on Either Side of the River further than this corner Stands Immediately oposite the head of an Island, at this place the River Runs S 10 E— Land this ½ mile inundated from one to three feet deep

June 16th 1832

From thence down the Mississippi as follows: S. 12 E. 80.00 Chs; S. 20 E. 80.00 Chs; S. 10 E. 75.00 Chs; S. 43 E. 70.00 Chs; S. 9 E. 30.00 Chs; S. 4 E. 64.00 Chs to Root River 400 lks wide Runs S. E.; S. 40 E. 32.00 Chs; S. 23 E. 20.00 Chs; S. 5 W. 38.00 Chs; S. 26 W. 60.00 Chs; S. 5 E. 25.00 Chs; S. 5 W. 20.00 Chs; S. 23 W. 20.00 Chs; S. 35 W. 20.00 Chs; S. 26 W. 22.00 Chs; South 30.00 Chs; S. 11 E.



Section of the St. Louis August 7, 1832

Nathan Boone
By J. L. Craig

Scale of 9 Miles to the Inch

Field Notes No 131 & 132.

Tube No. 59.

Map No. 92.

Map of Neutral Ground drawn by Maj. Nathan Boone, August 7, 1832 (See ANNALS, p. 248, January, 1914), with south line altered to accord with notes of James Craig who actually located it on and after September 8, 1833.

35.00 Chs; S. 5 W. 30.00 Chs; S. 13 E. 38.00 Chs; S. 10 W. 20.00 Chs; S. 2 E. 22.00 Chs; S. 16 W. 15.00 Chs; S. 10 E. 35.00 Chs; S. 7 W. 20.00 Chs; S. 6 E. 15.00 Chs; S. 12 E. 75.00 Chs; S. 14 W. 10.00 Chs; South 35.00 Chs; S. 8 W. 13.00 Chs; S. 5 E. 20.00 Chs; S. 13 W. 15.00 Chs; S. 35 W. 8.00 Chs; S. 57 W. 10.00 Chs; S. 89 W. 10.00 Chs; S. 40 W. 20.00 Chs; S. 58 W. 17.00 Chs; S. 7 W. 12.00 Chs; S. 15 E. 20.00 Chs; S. 58 E. 19.00 Chs; S. 9 W. 15.00 Chs; S. 3 E. 30.00 Chs; S. 1 W. 18.00 Chs; S. 8 W. 9.00 Chs; S. 2 E. 60.00 Chs; S. 14 W. 20.00 Chs; S. 3 W. 54.00 Chs; S. 5 E. 80.00 Chs; S. 50 E. 50.00 Chs; S. 9 E. 65.00 Chs; S. 20 E. 74.00 Chs; S. 30 W. 48.00 Chs; S. 25 W. 38.00 Chs; S. 5 E. 130.00 Chs To the Mouth of the Ioway River it will be here observed that those Mounds are not taken immediately on the bank of the River owing to many places being inundated by waters

June 19th 1832

Run to the two Meridian variation 9. E.—

Nathan Boone
Surveyor

I certify that the foregoing notes, on pages one to fifty-eight, are the original field notes of the Survey therein contained as executed under the 2nd article of a treaty made the 19th August 1825 & 15th July 1830 with the SOCS FOXES, & SIOUX Indians; and that the line courses and distances were all taken with my Compass set to a variation of 9° East.

Indian Office August 7th 1832

Natahan Boone
Deputy Surveyor

Field Notes of Sac and Fox Cession of Neutral Ground.

Field Notes of Survey of the Sac and Fox cession agreeable to the 2nd Article of the Treaty of July 15, 1830 (7 Stats., p. 329) by Nathan Boone, commencing June 19, 1832.

Beginning at the mouth of the Upper Iowa river at a Black Ash tree 12 in. in diam. Thence down and along the west bank of the Mississippi river as follows: South 27 E. 60 chs; S. 14 E. 85 chs; S. 21 E. 10 chs; S. 16 E. 70 chs; S. 3 E. 15 chs; S. 15 W. 26 chs; S. 40 E. 10 chs; S. 69 E. 10 chs; S. 40 E. 17 chs; S. 29 E. 20 chs; S. 24 E. 25 chs; S. 37 E. 3 chs; S. 37 E. 13 chs; S. 22 E. 25 chs; S. 36 E. 80 chs; S. 83 E. 5 chs; S. 37 E. 20 chs; S. 48 E. 10 chs; S. 40 E. 56 chs; S. 26 E. 20 chs; S. 15 E. 12 chs; S. 57 W. 17 chs; S. 23 E. 14 chs; S. 62 E. 20 chs; S. 34 E. 20 chs; S. 43 E. 28 chs to Flint Creek about 100 links wide bears E. & W.; S. 84 E. 11 chs; S. 73 E. 13 chs; S. 79 E. 20 chs; S. 83 E. 5 chs; S. 70 E. 32 chs; S. 60 E. 10 chs; S. 52 E. 15 chs; S. 38 E. 48 chs; S. 89 E. 12 chs; N. 85 E. 19 chs; S. 75 E. 17 chs; S. 60 E. 40 chs; S. 73 E. 47 chs;

S. 56 E. 12 chs; S. 76 E. 7 chs; S. 61 E. 22 chs; S. 42 E. 40 chs; S. 43 E. 23 chs; South 10 chs; S. 60 E. 29 chs; S. 32 E. 43 chs; S. 83 E. 20 chs; S. 41 E. 40 chs; S. 32 E. 6 chs; S. 21 E. 30 chs; S. 10 E. 27 chs; S. 1 E. 15 chs; S. 13 W. 21 chs; S. 13 W. 10 chs; S. 2 W. 56 chs; S. 14 W. 40 chs; S. 22 W. 8 chs; S. 28 W. 10 chs; S. 33 W. 48 chs; S. 25 W. 11 chs; S. 21 W. 40 chs; S. 29 W. 20 chs; S. 41 W. 80 chs; S. 41 W. 40 chs; S. 18 W. 80 chs; S. 18 W. 25 chs; S. 50 W. 15 chs; N. 81 W. 3.50 chs; N. 75 W. 8 chs; S. 58 W. 15 chs; S. 33 W. 27 chs; S. 25 W. 30 chs; S. 20 W. 35 chs; S. 14 W. 25 chs; S. 8 W. 10 chs; S. 13 W. 50 chs, where sat a stake⁴ on the West bank of the Mississippi river for the N. E. (S. E.?) corner of the Sac and Fox cession, from which a white oak 16 in. in diameter bears N. 27 E. 186 links distant marked U. S. and a hickory 12 in. in diam. bears S. 63 E. 29 links distant with a blaze and notch over it and a white oak 14 in. in diameter bears S. 28 W. 240 links distant. From this corner a *very noted Rock* of about 200 feet in height bears N. 31 W. 540 links distant and immediately at this place the "Trading Road" leading to the Red Cedar leaves the river. This road is known by the name of *Rolets' Road*.

From this corner ran as follows: S. 62°.20' W. 80 chains (1 mile); S. 62°.20' W. 80 chains (2 miles); set a post from which a white oak 20 in in diameter bears N. 46 W. 22 links dist. marked "U. S. 2 m" and a Lynn 24 in in diameter bears N. 46 E. 55 links dist. marked U. S. 2 m and a white oak 30 in in diam. bears S. 48 W. 43 links dist. marked "SACS 2 m" and a white oak 36 in in diam. bears S. 52 E. 61 links dist. marked "SACS 2 M."

Quit work June 26, 1832, in consequence of the hostilities of the Indians.

James Craig on September 8, 1833 commenced the survey of the Southern boundary of the said Sac and Fox cession, at the point where Major Boone left off in June 1832 two miles from the *Painted Rock*, whence *Rolets Road* leaves the Mississippi about 7 miles above Prairie du Chien—Varia. of Compass 9° E. Thence ran:

S. 62°.20' W. 1520 chains 21st mile Planted a post from which a burr oak 8 in in diam. bears N. 87° W. 8 links dist. and another burr oak 9 in in diam. bears S. 36 E. 95 links marked "SACS 21 m", and burr oak 10 in. in diam. N. 70 W. 432 links.

S. 17°.15' E. 560 chains 7 mile—(Crossing Turkey river on 7th. mile)—Planted post whence burr oak 12 in. in diam. bears N. 12 E. 15 links Marked Sacs 7th mile. Burr oak 10 in in diam. bears N. 44 W. 18 links marked U. S. 7th mile—Burr oak 12 in in diam. bears S. 29 E. 11 links marked Sacs 7th mile

Thence S. 73.15 W.—125 miles 33 chains to Des Moines River—
At 2.50 chains crossed Turkey River 200 links wide.

⁴[24 miles, 78.50 chains from place of beginning.—Author.]

At 11 miles 22.50 chains crossed W. Branch of Turkey River 100 links wide.

At 13 miles 35 chains reached the Little Mac-qu-a-tois creek.

At 29 miles a mound near several large granite rocks.

At 47 miles, 57 chains reached east bank of Red Cedar River 250 links wide

At 59 miles 79 chains reached creek 200 links wide on the course S. emptying into the Iowa.

At 88 miles 29.50 chains, reached the N. fork of the Des Moines river, 140 links wide

At 116 miles 64 chains reached the middle fork of the Des Moines river 175 links wide.

At 125 miles 33 chains reach the Des Moines river, where above high water mark and on the East bank of said river stands a double cottonwood tree, one 36 in. in diam. and the other 30 in. in diam. The large one marked on South side "SACS 125 m 33 ch." and on the North side "U. S. 125 m. 33 ch."

From this tree an elm 20 in. in diameter bears S. 74 E. 18 links marked "SACS 125 m Sept. 1833" and a cottonwood 33 in. in diam. bears N. 60 W. 94 links marked "U. S. 125 m."

Thence we proceeded to meander the river on the East side as follows:—

N. 52 W. 16 chs; N. 65 W. 7 chs; N. 78 W. 7 chs; N. 75 W. 17 chs; S. 55 W. 33 chs (1 mile); S. 55 W. 2 chs; S. 77 W. 10 chs; West 10 chs; S. 45 W. 15 chs; South 7 chs; S. 20 W. 10 chs; S. 20 E. 26 chs (2 mile); S. 20 E. 2 chs; S. 35 W. 17 chs; S. 55 W. 28 chs; S. 70 W. 25 chs; N. 55 W. 8 chs (3 mile); N. 55 W. 7 chs; N. 25 E. 20 chs; North 20 chs; N. 20 W. 32 chs; N. 55 W. 1 ch (4 mile); N. 55 W. 20 chs; West 14 chs; N. 76 W. 38 chs; N. 35 W. 8 chs (5 mile); N. 35 W. 2 chs; N. 54 W. 15 chs (to where our former line crossed the river); N. 42 W. 9 chs; N. 35 W. 54 chs (6 mile); N. 35 W. 15 chs; N. 14 W. 8 chs; North 10 chs; N. 11 E. 25 chs; N. 5 W. 15 chs; N. 30 W. 7 chs (7 mile); N. 30 W. 3 chs; North 9 chs; N. 39 W. 8 chs; N. 70 W. 20 chs; N. 50 W. 15 chs; N. 75 W. 25 chs (8 mile); N. 75 W. 2 chs; N. 60 W. 10 chs; N. 80 W. 18 chs; N. 25 W. 28 chs; North 15 chs; N. 18 E. 7 chs (9 mile); N. 45 E. 10 chs; N. 25 E. 5 chs; N. 45 E. 14 chs; N. 15 E. 8 chs; N. 50 E. 15 chs; North 20 chs; N. 20 W. 8 chs (10 mile).

N. 20 W. 7 chs; N. 50 W. 22 chs; West 7 chs; N. 60 W. 10 chs; West 34 chs (11 mile); West 30 chs; N. 50 W. 8 chs; N. 15 W. 24 chs; North 5 chs; N. 15 E. 13 chs (12 mile); N. 15 E. 6 chs; N. 70 E. 8 chs; East 10 chs; S. 70 E. 12 chs; N. 80 E. 11 chs; East 7 chs; N. 78 E. 26 chs (13 mile); N. 78 E. 9 chs; N. 55 E. 10 chs; N. 25 E. 15 chs; North 23 chs; N. 75 E. 5 chs; N. 25 E. 7 chs; N. 30 W. 11 chs (14 mile); N. 30 W. 12 chs; N. 45 W. 20 chs; N. 55 W. 10 chs; N. 70 W. 5 chs; N. 60 W. 10 chs; N. 80 W. 20 chs;

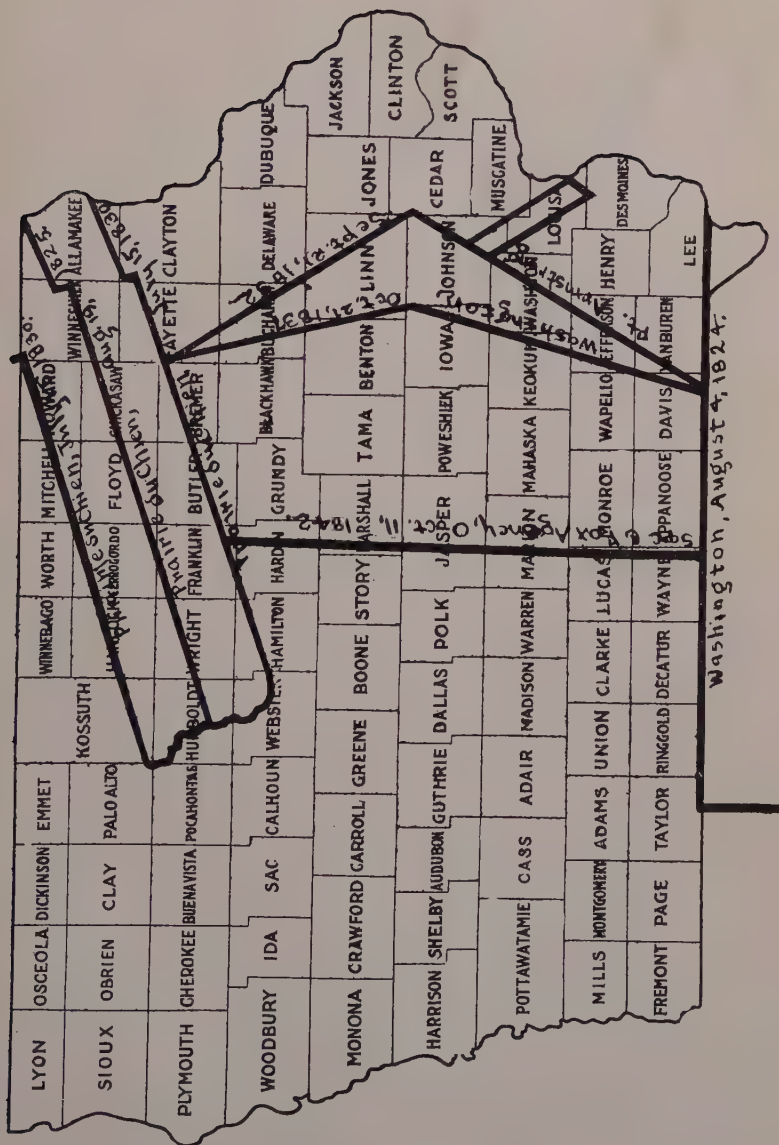
West 3 chs (15 mile); West 52 chs; N. 45 W. 5 chs; West 5 chs; S. 70 W. 15 chs; S. 80 W. 3 chs (16 mile); S. 80 W. 27 chs; S. 50 W. 13 chs; S. 70 W. 5 chs; S. 35 W. 10 chs; West 5 chs; S. 65 W. 5 chs; West 15 chs (17 mile); West 25 chs; N. 75 W. 10 chs; N. 55 W. 25 chs; North 14 chs; N. 30 E. 6 chs (18 mile); N. 30 E. 4 chs; N. 10 E. 7 chs; N. 34 E. 8 chs; N. 50 E. 5 chs; N. 5 E. 5 chs; N. 9 E. 30 chs; North 21 chs (19 mile); North 19 chs; N. 30 W. 8 chs; N. 5 W. 9 chs; N. 35 W. 10 chs; N. 55 W. 18 chs; N. 70 W. 16 chs (20 mile).

N. 70 W. 2 chs; West 5 chs; N. 70 W. 15 chs; West 40 chs; N. 45 W. 5 chs; West 13 chs (21 mile); West 10 chs; N. 61 W. 50 chs; N. 75 W. 5 chs; N. 65 W. 15 chs (22 mile); N. 65 W. 10 chs; N. 75 W. 5 chs; N. 22 W. 25 chs; North 20 chs; N. 35 E. 10 chs; N. 60 E. 8 chs; N. 30 E. 2 chs (23 mile); N. 30 E. 11 chs; North 20 chs; N. 25 W. 45 chs; N. 55 W. 4 chs (24 mile); N. 55 W. 51 chs; N. 30 W. 29 chs (25 mile); N. 30 W. 1 ch; N. 55 W. 21 chs; N. 25 W. 20 chs; North 10 chs; N. 25 E. 5 chs; N. 45 E. 4 chs; N. 5 E. 19 chs (26 mile); N. 5 E. 80 chs (27 mile); N. 5 E. 1 ch; North 30 chs; N. 45 W. 49 chs (28 mile); N. 45 W. 1 ch; N. 12 E. 79 chs (29 mile); N. 12 E. 15 chs; N. 25 W. 55 chs; North 30 chs (30 mile).

N. 45 W. 8 chs; N. 15 W. 7 chs; N. 70 W. 10 chs; N. 49 W. 35 chs (31 mile); N. 49 W. 10 chs; N. 36 W. 37 chs; North 5 chs; N. 22 E. 15 chs; North 13 chs (32 mile); North 12 chs; N. 25 E. 30 chs; N. 50 E. 20 chs; N. 20 E. 5 chs; N. 45 E. 10 chs; North 3 chs (33 mile); North 17 chs; N. 25 W. 10 chs; N. 12 E. 30 chs; N. 37 E. 15 chs; N. 17 E. 8 chs (34 mile); N. 17 E. 12 chs; N. 43 E. 45 chs; N. 48 E. 23 chs (35 mile); N. 48 E. 7 chs; N. 35 E. 8 chs; N. 70 E. 7 chs; N. 40 E. 5 chs; N. 5 E. 8 chs; N. 33 E. 15 chs; N. 7 E. 15 chs; N. 14 E. 15 chs; (36 mile); N. 5 E. 80 chs (37 mile); N. 26 W. 30 chs; N. 50 W. 20 chs; N. 70 W. 12 chs; N. 83 W. 8.50 chs to the corner

Established by Major Boone last season at the forks of the Des Moines River agreeably to the treaty of Prairie Du Chien of 1825. The Distance by the meanders are as stated 37 miles 70 chains and 50 links and the base is 20 miles and 21 chains

Finished Oct. 4, 1833



Iowa Indian Boundary Lines with places and dates of treaties fixing them

ANNALS OF IOWA

EDITORIAL DEPARTMENT

WILLIAM B. ALLISON.

The memorial to Senator Allison is rapidly approaching completion, and in order that the flight of memory may be arrested for a moment as well as that a brief record in the ANNALS may be made of contemporaneous opinion of his accomplishments deemed worthy of commemorating, we publish an article by Hon. Henry Cabot Lodge, adapted from an address in the Senate. It is apropos to here present the thought of two others of Senator Allison's colleagues in one paragraph that seems almost precision and in another that was almost prophecy:

He never attempted oratory, but by cool, logical argument he moulded the opinions of legislators. He was one of those even-tempered, level-headed, sound, sensible men to whom we naturally turned when there were difficult questions to settle. We all had confidence in his judgment, and his integrity of purpose was never doubted. By his wise conservatism as chairman of the Committee on Appropriations he saved the Government untold millions of dollars. At the same time he was not unreasonably economical. He realized the growth of the nation and its growing necessities, and appropriated accordingly.

Memorial Address in Congress, Shelby M. Cullom, Feb. 6, 1909.

We may not doubt that there will be occasions in the future when the Senate will need the counsel and guidance of Senator Allison. But it is not too much to believe that the lessons of toleration and respect for the opinions of others which are taught in the life of this great American statesman will never lose their influence in the Government of the United States. For, after all, it is not of the exploits of a parliamentary leader, nor the achievements of an experienced legislator, that we are thinking today. It is rather the quiet, courtly life he lived among us, the helpful things he did, the gentle and gracious words he used to speak, which are in our hearts at this hour and will be kept in our memories while we live. Already the Senate, departing from the custom of a long time, has directed that a picture of him shall be hung in a corridor of the Capitol by the side of the favorite statesmen of other generations.

The people of Iowa who followed him with loving confidence for nearly half a century, even down to the valley of the shadow of death, will build a monument to him within the borders of the State which gave him his high commission, and will ask permission to erect a statue here, that the affection and reverence of the Nation which gave a crown of peculiar glory to his old age may have a permanent expression in the Capitol where the great work of his life was done.

Memorial Address in Congress, Jonathan P. Dolliver, Feb. 6, 1909.

PROPOSED ARCHEOLOGICAL SURVEY OF IOWA.

In 1892 Prof. Frederick Starr published "A Bibliography of Iowa Antiquities"¹ and in 1895 a "Summary of the Archaeology of Iowa."² He planned the "organization of exploration in every part of the State; collection of data, diagrams, plans; making of a working map, showing the location of mounds, shell-heaps, trails, village-sites, etc.—in other words, *field work*," and other work. "How far this plan is to be realized remains to be seen" says Professor Starr, and now after a score of years and a little excellent scientific work we *do* see that the curio hunter has increased; land that bore identifiable prehistoric work in 1892 denuded of forests and increased in value from fifteen and twenty dollars per acre to a hundred and fifty or two hundred; mounds that rose from one to two and a half feet and yielded valuable specimens, leveled till only the memory of them remain.

We feel it to be imperative that some institution or activity in Iowa very soon provide the State with such a survey as Professor Starr proposed, embracing each township in the State and every work reputed to be of prehistoric origin; that the rights of exploration should be secured and preserved to those able and competent to display, record and publish results; there should be encouragement and cooperation with land owners and others interested in the appropriate appreciation of the matter and the whole subject put in the class with bird life and other popular studies. We will assist in such effort or assume the responsibility of leadership if no one else assumes it soon.

¹*Proceedings of the Davenport Academy of Natural Sciences*, Vol. VI, p. 1.

²*Ibid.*, p. 53.

NOTES.

The Thirty-fifth General Assembly enacted a group of laws which the Historical Department of Iowa joined other patriotic persons and associations in advocating.

House File 669 introduced by the Committee on Appropriations, approved April 10, 1913, as Chapter 14, provides for the appropriate placement of the Allison Memorial and the correction and completion of the capitol grounds.

Senate File 80, introduced by Senator Chase, approved April 9, 1913, as Chapter 348, provides for a pension of \$20.00 per month for the survivors of the Spirit Lake Expedition of 1857. The survivors availing themselves of this statute are D. H. Baker, Tiskilwa, Illinois; Daniel Morrissey, Hamilton, Montana; Albert H. Johnson, Monrovia, California; Charles B. Richards, San Diego, California, and the following residents of Iowa: Thomas B. Bonebright, Webster City; James Hickey, Emmetsburg; A. H. Malcolm, Rolfe; John N. Maxwell, Webster City; Guernsey Smith, Hawkeye, and Roderick A. Smith, Okoboji.

House File 323, introduced by Representative Grout, approved April 14, 1913, as Chapter 308, repeals section 5028-a of the Supplement to the Code of 1907 and makes the using of the National or State flag for purposes tending to produce contempt, a misdemeanor. This statute has been adopted by many of our sister states, and was brought to the attention of the Thirty-fifth General Assembly through the activities of the Iowa officials and members of G. A. R., S. A. R. and D. A. R.

A concurrent resolution was offered by Senator Larrabee and adopted as follows:

Whereas, our state has no flag known as the official flag of Iowa,
Resolved by the Senate, the House concurring, that the governor, the adjutant general, and the curator of historical collections be and they are hereby created a commission to inquire into and report

to the Thirty-sixth General Assembly upon the expediency of the adoption of an official state flag and upon the appropriateness of the design therefor if they approve of the same.

A concurrent resolution was offered by Senator DeWolf and adopted as follows:

Concurrent Resolution Relative to the Participation of the State Historical Department in the Panama-Pacific International Exhibition at San Francisco, California.

Whereas, the people of Iowa are conscious of the tender ties of blood and sentiment that bind them to the people of California, and,

Whereas, in any participation of the people of Iowa with the people of California in the opening and commercial use of the Panama canal it may be desirable to stimulate interest in the history and traditions of our state, and

Whereas, the historical collections of the state have never been allowed to be carried outside the state without express authority from the General Assembly, therefore

Be it resolved by the Senate, the House concurring that the curator of historical collections be and he is hereby authorized and directed, by and with the consent of the board of trustees of the state historical department to prepare and ship a suitable collection of portraits, documents and object materials for use and display in connection with any exhibition or participation by or on behalf of the state of Iowa that may be made at the Panama-Pacific International Exhibition at San Francisco.

A NEW FLAG PROTECTION LAW.

The Thirty-fifth General Assembly enacted as Chapter 308 of its laws, House File 323, introduced by Representative Grout at the instance of Iowa patriotic organizations and individuals. It is a statute uniform, if not identical, with those of many of our sister states. The text of the law is as follows:

AN ACT to repeal section five thousand twenty-eight-a (5028-a) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the state of Iowa.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal—desecration defined.** That section five thousand twenty-eight-a (5028-a) of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

Any person, who in any manner, for exhibition, or display, shall place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of this state, or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state, and such penalty when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid into the county treasury for the benefit of the school fund, and two or more penalties may be

sued for and recovered in the same action or suit. The words, "flag, standard, color or ensign," as used in this section, shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

The possession after this act takes effect, by any person other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful by this section, or of any article or substance or thing on which shall be anything made unlawful by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done or created after this act takes effect, and that such flag, standard, color, ensign or article, substance, or thing, did not exist when this act takes effect.

SEC. 2. **In effect.** This act shall be in full force and effect on and after January 1st, 1914.

Approved April 14 A. D. 1913.

Miss Evelyn Beatrice Longman, who was awarded the commission for the Allison Memorial at Des Moines, is one of the few women sculptors who have won renown for themselves. Of this few, the larger proportion has come from the West, and to this group belongs Miss Longman. Born in Winchester, Ohio, of English parents, her earliest years were spent amid humble surroundings. She received an ordinary public school education and at the age of fourteen years began to earn her living in a large wholesale house in Chicago. Inheriting a love for the artistic from her father who was a musician and something of an artist, she used her first savings in studying drawing and painting in Olivet College, Michigan. Here she began her first efforts in modeling. In

1899 she returned to Chicago and studied at the Art Institute under Lorado Taft for two years. After her course there she went to New York and worked with Hermon A. MacNeil, Isidor Konti and as assistant in the studio of Daniel C. French. Her first work of importance was a colossal "Victory" which was placed on Festival Hall, at the Louisiana Purchase Exposition at St. Louis, and won a silver medal for its designer. She has executed notable portrait busts of John Stewart Kennedy, Col. Robert M. Thompson, J. G. Schmidlapp and Kate Parsenow. Her work on the Foster mausoleum at Middleburgh, New York, and the Wells memorial and the Storey memorial at Lowell, Massachusetts, is significant for its virility and beauty. Another phase of her work is seen in the magnificent bronze doors for the chapel of the United States Naval Academy at Annapolis and the less elaborate but equally interesting doors for the library building at Wellesley College. Miss Longman is a member of the National Sculpture Society and her studio is at present in New York City, overlooking Central Park.

Mr. Henry Bacon, associate architect of the Allison Memorial, is the designer of the Lincoln Memorial at Washington, D. C. He is a western man, born at Watseka, Illinois, November 28, 1866. His parents were from New England. In 1884 he spent a year in the University of Illinois, after which he worked in the office of Chamberlin & Whidden, architects, Boston, for three years and then in the office of McKim, Mead & White of New York. In 1889 he won the Rotch traveling scholarship which gave him opportunity to spend two years abroad, studying the buildings of Italy and Greece. In 1897 he formed a partnership with James Brite which lasted until 1903. He has practiced alone since that date and has designed the architectural setting for more than sixty monuments, working with Augustus Saint Gaudens, Daniel C. French, Charles H. Niehaus, Karl Bitter and others. He has also designed the public library at Paterson, New Jersey, the general hospital at Waterbury, Connecticut, and other public buildings.

INTERPRETATION OF THE CAPITOL GROUNDS EXTENSION LAW.

(Concluded.)

III. In so far then as the act authorizes the issuance of warrants or certificates in anticipation of taxes to be collected during a biennial period and to cover any deficiency therein to meet expenses incurred in executing its purposes, not exceeding \$250,000, it ought not to be denounced as inimical to the provisions of the Constitution quoted. If the last four sections of the act were to be construed as plaintiffs contend these should be, however, a different conclusion would necessarily follow. They say that these authorize the executive council to anticipate the taxes to be levied during the entire ten years amounting in the aggregate to over \$2,200,000, \$1,200,000 of which must be collected after the first biennial period. Were it to be so construed, the limit of \$250,000 might be exceeded, and unless the principle which governed in *Swanson v. City of Ottumwa*, 118 Iowa, 161, 91 N. W. 1048, 59 L. R. A. 620, shall obtain, this would be in violation of section 2 of article 7 of the Constitution. There, the city was authorized to levy a tax annually for a series of years out of which to create a sinking fund for the purpose of the purchase or erection of a system of waterworks, and, in order to meet the present cost, to create a specific fund, by issuing bonds payable only from said sinking fund, from which and the sinking fund on hand to pay the contract price for the erection and completion of said system of waterworks. For the payment of these bonds with interest "shall be pledged the entire proceeds of the two mills sinking fund tax," "and so much of the proceeds of the water rates and rentals collected from consumers and of the water tax * * * as shall not be needed for maintenance and operation, repairs and proper and necessary extensions, additions and improvements of said waterworks." The plan was approved by a vote of the electors, a contract entered into, and the city was about to issue bonds such as contemplated, when suit was instituted to enjoin the issuance of the bonds for that, as was claimed, the indebtedness of the city then equalled the constitutional limit and such bonds would create a debt within the meaning of section 3, art. 11, of the Constitution, declaring that "no county or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate, exceeding five per

centum on the value of the taxable property within such county or corporation." On great consideration, the bonds were held not to create a "debt" such as contemplated in the above section; the court, after an exhaustive review of the authorities, saying: "Were we to give the word 'debt' the broad significance that some of the authorities would justify, we should destroy the corporate life and efficiency of every municipality which reached the allowed limit of indebtedness. But the construction we give it has strong support in the decisions of the courts of other states, is in strict line with the opinion we have heretofore frequently expressed, and preserves the integrity of the Constitution according to its evident meaning and intent, while entailing no disastrous consequences to the city or to its citizens. The right of a city to construct and own works of public utility, if such rights exist, is one of great importance, and should not be embarrassed or rendered nugatory by strained or technical construction of the Constitution or of the statutes. Its importance is not so much in the fact that public ownership is in itself wise or desirable (concerning which there may be much difference of opinion) as in the fact that with such power in reserve municipalities are placed in position to deal with private owners on equal terms, and avoid vexations which their helplessness might otherwise invite."

That case is readily distinguishable from that now before us. After the bonds were issued and the system of waterworks purchased or erected, the municipality would have no escape from the levy and collection of the taxes stipulated and the application thereof to the satisfaction of the bonds and interest. In this case, however, the action of one General Assembly is not binding on its successor unless so declared in the fundamental law, and, though the Thirty-Fifth General Assembly did enact these statutes relating to the extension of the state capitol grounds, the succeeding General Assemblies are in no manner inhibited from repealing them. Indeed, it will be within the power of the next General Assembly, or any of its successors, if so disposed, not only to repeal chapter 14 of the acts of the Thirty-Fifth General Assembly in its entirety but to dispose of the property acquired thereunder. It is said that the holders of the certificates or warrants take that risk, as these are payable only from the taxes provided in the act. But this is so with every state debt. Though the debt created may constitute a legal obligation, no remedy exists for its enforcement, unless possibly held by another state except as the state may permit, and necessarily the holder must rely upon payment at the option of the state from the only resource available, i. e., taxation. *State v. Young*, 20 Minn. 474, 9 N. W. 737. Being nonenforceable, such a debt is akin to a moral obligation, and, though condemned as in violation of good morals and as against sound public policy, no one has ever

questioned the power of a state to repudiate its debts. A subsequent Legislature might repeal chapter 14, and this would leave the certificate without a fund from which to be paid; but it is scarcely conceivable that, after having received the proceeds of the certificates and made use of its own purposes the state would deem the denial of any obligation to repay as consistent with the honor and integrity of a great people. Moreover, section 5 of article 7 of the Constitution prescribes how a debt exceeding \$250,000 shall be created and paid: (1) For some single work or object; (2) to be paid with interest from an annual tax within 20 years; and (3) applied only thereon. The particular method of creating a fund out of which the state debt, authorized by a vote of the people, shall be paid, is precisely like that contemplated in this act and approved in the Swanson Case. The only possible distinction between the statutory method of providing for the payment of municipal bonds and the constitutional method of providing for the payment of a state debt, voted by a majority of the people, is that, under the former, the bonds are expressly made payable from the sinking fund created by the levy and collection of the taxes authorized only while under the latter the limitation of payment therefrom only is plainly to be implied. The Constitution having particularly prescribed the manner of raising a revenue out of which a debt of the state shall be satisfied, an obligation for an object such as defined in the Constitution and to be discharged as therein directed ought not to be denominated as other than a debt of the state.

Nor do we find the weight of authority otherwise. Section 10 of article 7 of the Constitution of New York, though differing some, is in substance like section 2 of article 7, and is in words following: "The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time, exceed one million of dollars; and the money arising from the loans creating such debts, shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever." Section 12, art. 7, Const. 1846 (section 4, art. 7, Const. 1894) is, in all essential particulars, like section 5 of our article 7, and the Court of Appeals, in *Newell v. People*, 7 N. Y. 11, declared an act authorizing the creation of a fund by the sale of canal revenue certificates for the enlargement and completion of the Erie, Genesee Valley, and Black River Canals and the payment of these from revenue to be derived from taxation during 21 years void as creating a debt in excess of the limitation contained in the section quoted.

Article 12 of the Constitution of North Dakota declares that "the state may, to meet casual deficits, or failure in revenue, or in case of extraordinary emergencies, contract debts but such debts shall never in the aggregate exceed the sum of two hundred thousand

dollars," with provisions like those contained in sections 4 and 5 of article 7 of our Constitution following. In *State v. McMillan*, 12 N. D. 280, 96 N. W. 310, the Supreme Court of that state, speaking through Young, C. J., declared an act of the Legislature authorizing the issuance of bonds for the construction of school buildings and payable in the future out of funds derived from the sale of lands set apart for the schools of a state debt and, as that outstanding equalled the limit fixed by the Constitution, the act was held to be in violation thereof; the court following *Newell v. People*, *supra*.

Section 5 of article 9 of the Constitution of Minnesota reads: "For the purpose of defraying ordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed \$250,000; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two thirds of the members of each branch of the Legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid." In *Brown v. Ringdal*, 109 Minn. 6, 122 N. W. 469, the Supreme Court of that state upheld an act authorizing the issuance of interest-bearing certificates of indebtedness, as funds were needed for the construction of a new state prison costing \$2,250,000, said certificates to be payable out of a fund produced by the levy and collection of taxes amounting to \$225,000 per year, following *Flecten v. Lamberton*, 69 Minn. 187, 72 N. W. 65, the court saying: "Counsel for plaintiff differentiates the *Lamberton* Case by the fact that no certificates of indebtedness were there authorized to be issued, and earnestly insists that this feature of the act under consideration renders it wholly void. We are unable to concur in this claim. The certificates in and of themselves create no indebtedness against the state. On the contrary, they are mere evidence of the holder's right to demand and receive 'from the State Treasurer the proceeds of the tax authorized by the act to be levied and collected, and known and classified as the "Prison Building Fund." Fairly construed, the act contemplates their payment from this fund exclusively, and they are not general obligations of the state. Whatever indebtedness, if any, was created by this act, is, within the *Lamberton* Case, found in the provisions thereof appropriating \$2,250,000 for the construction of the new prison and the levy of a tax extending over a period of nine years to produce the same, and not by the issuance of certificates indebtedness evidencing the

right of the holders thereof to the fund when collected. If the certificates could be construed as creating an indebtedness against the state payable from the general revenue fund, a different question would be presented. But they are not. They are to be issued in anticipation of funds provided for and appropriated, rightfully under the Lamberton Case, and are valid only as respects that fund when paid into the state treasury."

The majority intimate that but for the prior decision a different conclusion might be reached, but the act considered in the former case merely appropriated any surplus thereafter in the state treasury and the proceeds of an annual levy of two-tenths of a mill upon the assessed valuation of the state for not exceeding ten years to the purchase of a site and the erection of a capitol building at a cost of not exceeding \$2,000,000. It in no manner contemplated the creation of a debt nor authorized the revenues to be anticipated by the issuance of evidence of debt. It might have been repealed by any subsequent Legislature, but, of course, was the law of the state until repealed in authorizing the levy and collection of this like other taxes. This was pointed out by Lewis, J., in his dissenting opinion in the Brown Case, adding: "The majority hold that the Legislature may provide for the present capitalization of such future conditions by issuing certificates of indebtedness to draw interest to be sold to the public upon the assurance that the credit of the state is behind them, and that the money will be forthcoming when the certificates mature. By this arrangement the entire amount of the tax levy is anticipated, and the amount is available for present purposes. Thus the evidence of a present indebtedness is furnished which may be received with confidence in the commercial world."

The opinion in *Flecten v. Lamberton*, *supra*, does not disclose that the point now being considered was involved, and as the court in *Brown v. Ringdal*, *supra*, gave the question scant, if any, consideration, the latter decision is not persuasive authority. Moreover, in that state a debt in excess of the limit may be authorized by a two-thirds vote of the members of each House of the General Assembly, and whether the act for the construction of the prison was so passed does not appear.

California adopted a Constitution in 1849, article 7 of which provided that the "Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with any previous debts or liabilities exceed the sum of three hundred thousand dollars." Then follows an exception in case of war, invasion, or insurrection, similar to section 4 of article 7 of our Constitution, and provisions for the creation of a debt exceeding that amount like section 5 of that article. In *People v. Pacheco*, 27 Cal. 175, the Supreme Court of that state, speaking

through Sawyer, J., held an act of the Legislature, in substance agreeing to pay the interest on \$1,500,000 of bonds issued by the Central Pacific Railway Company for a period of 20 years and directing that an annual tax of 8 cents on the \$1,000 taxable property of the state for that purpose, any deficiency to be paid from the general fund on hand and in consideration thereof, the company undertook to carry public messages, lunatics and convicts to and from asylums and prisons, materials for the construction of the state capitol, and munitions of war without other compensation. The preamble indicated it was a war measure and the court upheld it as such. But it also declared that, though the state was indebted beyond the constitutional limit, the act did create a "debt" within the meaning of the article a part of which we have quoted. In doing so, the court, after full consideration, concludes: "Here is a provision for raising a fund and setting apart and appropriating it to the payment of the interest on the bonds in question, more specific than those in the cases of *State v. McCauley*, 15 Cal. 429, *McCauley v. Brooks*, 16 Cal. 24, and *Koppikus v. State Capitol Commissioners*, 16 Cal. 249, because in those cases the payment was to be made, generally, out of 'moneys in the treasury not otherwise appropriated,' without providing any specific fund and devoting it to that use alone, or knowing whether or not there would in fact be any unappropriated moneys in the treasury at the time payments would fall due. In this case, a specific fund is provided and set apart, to be devoted to the payment of the interest in question alone; and it would seem to be more than ample for the purpose, as the tax provided for on a sum much less than the present assessed valuation of the taxable property in the state, would produce the required amount, and the appropriation from the general fund will not be required until the specific fund is exhausted, which may, and in all probability never will, occur. For these reasons there would be even less propriety in holding this appropriation to be a debt or liability, within the meaning of the constitutional restriction, than those which were the subjects of discussion in the cases cited. The Legislature has provided a fund, and made an appropriation for the entire amount. No further legislation is required upon the subject. Nothing further remains to be done on the part of the state, but the ministerial duty of collecting taxes and paying the interest out of the proceeds, as it from year to year accrues. Of course the state cannot, without a breach of good faith, refuse through its officers to perform this ministerial duty."

An examination of the earlier cases relied upon discloses that, while the contracts entered into extended beyond the time for which taxes were available, no liability was created in excess of which would be in the treasury to meet it. No attention was given the thought that the scheme was like that provided in the article for the creation of an indebtedness in excess of the amount limited.

The court appears to have relied largely on *State v. Medberry*, 7 Ohio St. 526; but there the decision was that the state might anticipate the revenues to be collected within the biennial period for which the General Assembly may authorize the levy and collection of taxes, and, as a clause in the Constitution forbade appropriations for more than two years, the act authorizing a contract extending over a period of five years was denounced as invalid.

For the reasons already stated, we are not inclined to follow the California decisions. To do so would defeat the manifest design of the people in adopting the section of the Constitution in limiting indebtedness the General Assembly may create. The salutary purpose was to prevent mortgaging the revenues of the state in the future, beyond a specified amount, and, if this is to be rendered, it is quite as essential to denounce a scheme to incur a debt for the payment of which provision is made by a scheme of taxation as a debt to the payment of which no thought has been given. In either event, the funds to meet the obligation must be raised by taxation, and, in either, it is certain to be paid.

The decision in *Swanson v. City of Ottumwa*, supra, then is not controlling, and, were the act to be construed as authorizing the issuance of certificates payable from taxes levied beyond the biennial period exceeding \$250,000, it would have to be denounced as inimical to section 2 of article 7 of the Constitution.

IV. The last four sections of the act then are valid, if they may be construed as authorizing the issuance of certificates in anticipation of taxes to be levied and collected in the biennial period during the period of such issue and for any deficiency beyond that to meet the expenses incurred in pursuance of the first eight sections not exceeding \$250,000. If, however, the act must be construed as conferring authority to issue certificates to cover such deficiency in excess of such amount, the last four sections must be denounced to be inimicable to the fundamental law. The test, as contended by plaintiffs, is not what has been or may be done under the act, but what is authorized to be done in pursuance thereof. As said in *City of Beatrice v. Wright*, 72 Neb. 689, 101 N. W. 1039: "The vital point to be determined is: What is authorized to be done? The constitutional validity of the law is to be tested, not by what possibly has been or may be done under it," but what can "be done under and by virtue of its provisions," and in the light of the Constitution. The members of the General Assembly which enacts and the Governor who approves, a statute have sworn quite as solemnly to support the Constitution as the members of this court and are to be assumed to have intended to conform their conduct with such obligation. If then two constructions are open and possible without doing violence to the language of the act, one upholding the act as not in violation of the Constitution and the other denouncing

it as inconsistent therewith, the courts should assume that the lawmakers intended the former and so construe the language thereof as to render it harmonious with the fundamental law. This is in accord with the rule that only when clearly and palpably in violation of some provision of the Constitution will a statute be denounced as inimicable thereto.

In *McCullough v. Virginia*, 172 U. S. 122, 19 Sup. Ct. 138, 43 L. Ed. 382, the principle is well stated: "It is elementary law that every statute is to be read in the light of the Constitution. However broad and general its language, it cannot be interpreted as extending beyond those matters which it was within the constitutional power of the Legislature to reach. It is the same rule which obtains in the interpretation of any private contract between individuals. That, whatever may be its words, it is always to be considered in the light of the statute, of the law then in force, of the circumstances and conditions of the parties. So, although general language was introduced into the statute of 1871, it is not to be read as reaching to matters in respect to which the Legislature had no constitutional power, but only as to those matters within its control and if there were, as it seems there were, certain special taxes and dues which under the existing provisions of the state Constitution could not be affected by legislative action, the statute is to be read as though it in terms excluded them from its operation."

Again, in *Chesapeake & Ohio Ry. Co. v. Kentucky*, 179 U. S. 388, 394, 21 Sup. Ct. 103, 45 L. Ed. 244: "Indeed, we are by no means satisfied that the Court of Appeals did not give the correct construction to this statute in limiting its operations to domestic commerce. It is scarcely courteous to impute to a Legislature the enactment of a law which it knew to be unconstitutional, and if it were settled that a separate coach law was unconstitutional, as applied to interstate commerce, the law applying on its face to all passengers should be limited to such as the Legislature were competent to deal with. The Court of Appeals has found such to be the intention of the General Assembly in this case, or, at least, that if such were not its intention, the law may be supported as applying alone to domestic commerce. In thus holding the act to be severable, it is laying down a principle of construction from which there is no appeal."

Reverting to the terms of the act, it will be noted that, from the capitol grounds and extension fund, the executive council may purchase the lands included in the plat "from time to time, within said period" (section 2) "on option or contracts or any other way which said council may deem expedient * * * at any time within said period of ten years" (section 4). When the several tracts are to be acquired for the state is entirely within the discretion of the executive council. "For the purpose of accom-

plishing the earliest possible completion of the work contemplated herein and the carrying out the plan provided for in this act, the executive council may anticipate the collection of the taxes here authorized, * * * may issue interest-bearing warrants or certificates" payable from the contemplated fund "each running not more than ten years." Section 9. The executive council may but is not bound to complete the work at the earliest moment. It may but is not bound to issue certificates. If it so elects, the entire ten years may be taken within which to acquire the land. Even if it should elect to purchase all of that included in the plat, not owned by the state, immediately the evidence is without dispute, that this can be accomplished from the funds available from the taxes to be levied and collected for the years 1913 and 1914 together with the proceeds of certificates not exceeding \$250,000 in amount. Surely then the act ought not to be construed as authorizing the creation of a "debt" in excess of the limitation contained in section 2 of article 7 of the Constitution. Even if this would not suffice, it is not to be assumed that the executive council would issue certificates exceeding such limit. Every act of the General Assembly is to be read in the light of the Constitution, and the limitations contained therein are as effective as though written into the legislative act. The judiciary is not the only department of government upon which the duty of observing and obeying the provisions of the Constitution devolves. Each of the other departments, legislative and executive, are under precisely the same obligation to know these and obey, and it ought not to be said that such obligation rests more lightly on the one than on the other. All are representatives of the people with different functions to perform, and though the courts are by the Constitution itself made the final arbitrators, in construing its terms and interpreting its meaning, it is never to be lost sight of that, until the contrary appears beyond reasonable doubt, the courts will proceed on the theory that the legislative and executive departments have obeyed its commands and will yield to its injunctions. With the wisdom or expediency of legislation, the courts as such have no concern. Their duty is to construe, apply, and interpret the law, not to enact it, and in so doing we conclude that, when construed in connection with the provisions of the Constitution, the act under consideration cannot be said to authorize the executive council to violate any of its provisions, and, in our opinion, the district court erred in construing any portion of the act as unconstitutional.

Reversed. All the Judges concur.

NOTABLE DEATHS

GEORGE W. CROSBLEY was born in New Haven, Ohio, March 4, 1839; he died at Webster City, Iowa, December 27, 1913. When he was four years of age his parents emigrated to Illinois where he grew to manhood. In 1856 they removed to Story county, Iowa, where he assisted his father in cultivating a farm now within the limits of Ames. Two years later he removed to Nevada where he remained until the outbreak of the Civil war. On May 21, 1861, he enlisted in Company E, Third Iowa Volunteer Infantry and served throughout the war, participating in many important engagements. He was promoted to Major of his regiment and was brevetted Colonel for meritorious service. At the close of the war he located in Webster City where he engaged in the mercantile business. He was postmaster during Grant's administration, and a commercial traveler for some time. In 1879 he was elected sheriff and by re-election served two terms. In 1884 he was appointed warden of the Iowa penitentiary at Ft. Madison and filled that position for six years. Returning to Webster City he served six years as member of the city council. In 1907 he began his work on the Roster Board which prepared the roster of all Iowa soldiers under the direction of the Thirty-second General Assembly. Colonel Crosley was appointed secretary of the Board and for more than four years spent practically all his time in that work, preparing the historical sketches and compiling and revising the records.

IRVIN ST. CLARE PEPPER was born in Davis county, Iowa, June 10, 1876; he died at Clinton, December 22, 1913. He was the youngest of a family of nine children and worked on his father's farm in summer and attended school in winter until he was seventeen years old, when he entered the Southern Iowa Normal School at Bloomfield, graduating therefrom in 1897. He taught rural schools for a few years and then became principal for three years of the Atalissa schools. In 1901 he became principal of the Washington school at Muscatine and served two years. In the summer of 1902 he began the study of law at the summer school of Drake University, Des Moines. In 1903 he went to Washington as secretary to Congressman Martin J. Wade, and in addition to his work as secretary he completed in the first year at the capital his first and second year law courses. The next year he took the senior course and graduated in 1905 from the Washington University with the degree of LL. B. He returned to Muscatine and became a member of the law firm of Carskaddan, Bruk and Pepper. He was nominated county attorney by the Democratic party in 1906, was elected, and served two terms. After a short, decisive campaign he was elected Representative in the Sixty-second Congress from the second Iowa district, and re-elected for a second term. Congressman Pepper was conspicuous in his defense of administration policies. He made great effort to better the condition of the militia and aid the Federal arsenal at Rock Island, and was always interested in the biological station and clam hatchery at Fairport. Probably the most conspicuous

honor that came to him during his service at Washington was his election as secretary of the Democratic Congressional Committee.

JOSEPH M. JUNKIN was born in Fairfield, Iowa, April 8, 1852; he died at Red Oak, October 11, 1913. He received his early education in the public schools of Fairfield and Red Oak and graduated from the law school of the State University of Iowa in 1879. Returning to Red Oak he became associated in the practice of law with Horace E. Deemer, and this partnership continued until 1887 when Mr. Deemer became district judge. After practicing some years alone, he formed a partnership with Mr. Ralph Pringle which lasted until his death. He was a Republican and was always active in politics. He was city attorney from 1880 to 1884. He was elected State Senator from the Mills-Montgomery district in 1896 and served through the Twenty-sixth, Twenty-sixth Extra, Twenty-seventh, Twenty-eighth and Twenty-ninth General Assemblies. He was a member of the code revision committee during the extra session of 1897 and chairman of the committee on ways and means in the Twenty-eighth and Twenty-ninth General Assemblies.

SAMUEL A. ROBERTSON was born in Preble county, Ohio, December 23, 1835; he died at Des Moines, December 9, 1913. He was educated in the district schools of Preble county and later in the Dayton schools. At the age of fourteen years he was apprenticed as a bricklayer and served a three years' term. His first contract on his own responsibility was the erection of a roundhouse and shops for the Cleveland, Columbus & Cincinnati Railroad Company and the Indianapolis & Bellefontaine Railway, which was successfully carried out. He removed to Des Moines in 1856 and obtained employment on the old Savery, now the Kirkwood Hotel. This was the beginning of his work as contractor and builder in Des Moines which continued until his death. He was contractor for the remodeling of the postoffice and supplied part of the stone for the State capitol. In 1878 he became a member of the city council and was largely responsible for the extensive sewerage system of Des Moines. He opened and developed large quarries and lime kilns at Earlham and in 1890 organized the Des Moines Brick Manufacturing Company. He served for several years as president of the Iowa National Bank and as president of the Royal Union Life Insurance Company.

EDWIN BALDWIN STILLMAN was born in New Haven, Connecticut, October 4, 1837; he died at Riceville, Iowa, November 16, 1913. He attended for some years the academy at Nassau, New York, but was thrown on his own resources at the early age of fourteen years. He went west to Ohio, and after a month's apprenticeship to a blacksmith, gave up that work and in 1852 entered the office of the *Summit County Beacon* at Akron. In 1856 he removed with his employer to Iowa City, Iowa, and for two years worked on the *Iowa City Republican*. At the expiration of that time he again removed with his employer, this time to Des Moines, and for several years was foreman of the *Register* office and had charge of the State printing. In 1863 he founded the *Sioux City Journal* at Sioux City. In 1866 he removed to Chicago and established a job printing office, remaining there fifteen years. The great Chicago fire caused him serious losses. In 1880 he purchased a flouring mill at Waucoma,

Iowa, which he operated for four years. In 1884, he removed to Jefferson and purchased the *Jefferson Bee* which he conducted, first alone and afterward in partnership with his sons until a few years ago. The last years of his life have been spent in travel and well-earned rest. For almost thirty years he was a strong factor in the religious, social and political life of his community. The *Jefferson Bee* under his management gained high rank among weekly newspapers. As a stump speaker Mr. Stillman was earnest, forceful and logical and did much to mould the public opinion upon the political questions of his day.

CHARLES RUSH BENEDICT was born in Bedford county, Pennsylvania, October 27, 1853; he died at Shelby, Iowa, August 25, 1913. He received his early education in the schools of Fort Littleton and Berlin, Pennsylvania. In 1876 he removed to Iowa, settling in Shelby county in September of that year, becoming closely identified with the interests of that county. He was director in the Shelby Lumber Company and the Shelby Independent Telephone Company, a director of the Methodist hospital in Des Moines and a trustee of Simpson College at Indianola. Mr. Benedict was prominent in political affairs, serving as chairman of the Shelby county Republican central committee for a number of terms and being his party's candidate for representative and state senator at different times. In 1896 he went to Des Moines as private secretary to H. W. Byers, Speaker of the House of Representatives, and acted in that capacity for two sessions, in one of which the code was revised. In 1902 he was made Chief Clerk of the House of Representatives and was re-elected, serving for seven consecutive sessions, becoming known throughout the State and referred to as an authority on all points of parliamentary procedure.

CHARLES ALBERT CARPENTER was born in Louisa county, Iowa, January 12, 1864; he died at his home in Columbus Junction, October 5, 1913. His early education was received in the Louisa county rural schools and later at Columbus Junction and the academy at Iowa City. He graduated from the law department of the State University of Iowa in 1884 at twenty years of age and was admitted to the bar the next year. He served as city attorney and for three terms as mayor of Columbus Junction. He was elected to the State Senate before he was thirty years of age and represented Louisa and Muscatine counties in the Twenty-fifth, Twenty-sixth and Twenty-sixth Extra General Assemblies. In the Twenty-sixth General Assembly he was chairman of the committee on code revision which revised the code of 1873. In 1904 he was delegate to the Republican national convention which nominated President Roosevelt. In 1906 he allowed the use of his name as Republican candidate for congress but did nothing to promote his candidacy. In 1912 he took charge of the Progressive Republican campaign in his district and was an earnest supporter of Mr. Cummins and Mr. Kenyon in their candidacies for United States Senator. Mr. Carpenter ranked as one of the foremost lawyers and business men of southeastern Iowa.

CHESTER CICERO COLE was born in Oxford, Chenango county, New York, June 24, 1824; he died at Des Moines, October 4, 1913. He attended the public schools and academy at Oxford until thirteen years of age and then for five years acted as clerk in a store. He

read law in the office of Judge Balcom, entered Harvard Law School at the age of twenty-one and completed the course in 1848. He removed to Marion, Kentucky, was admitted to the bar of Crittenden county and during his stay of nine years gained a high reputation in criminal law. In 1857 he located in Des Moines where he maintained his residence until his death. In 1859 he was nominated by the Democratic convention for Associate Justice of the Supreme Court and in 1860 was nominated for Representative in Congress but was defeated by General Samuel R. Curtis. At the outbreak of the Civil war he allied himself with the Union men in support of the Government and left the Democratic party. He gave strong support to the candidacy of William M. Stone for governor on the Republican ticket. In March, 1864, in recognition of his labor in behalf of the Union, Governor Stone appointed him an Associate Justice of the Supreme Court. He was re-elected in October and served on the Supreme Bench for twelve years, acting as Chief Justice in 1870. The degree of LL. D. was conferred upon him by Iowa College at Grinnell in that year. In 1876 he resigned from the Bench to resume the practice of law. With Judge George G. Wright, his court associate, he organized the Iowa Law School at Des Moines, which, in 1868, was merged with the Law Department of the State University of Iowa, Judge Wright and Judge Cole remaining the law lecturers. Judge Cole continued this service for ten years. At the expiration of that service he founded the Iowa College of Law at Des Moines of which he became dean. It was associated with Drake University in 1881. In 1907 he received from the Carnegie Foundation an allowance of \$1,280.00 a year in recognition of his forty-two years service as a teacher of law. He retired from teaching at the age of eighty-three years and was made dean emeritus of Drake University. He continued this law practice until he was eighty-seven years of age.



Charles Keyes